

LANCE R. LEFLEUR  
DIRECTOR



ROBERT J. BENTLEY  
GOVERNOR

Alabama Department of Environmental Management  
adem.alabama.gov  
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

JUL 24 2013

ERNEST KAUFMANN, PRESIDENT  
PERRY COUNTY ASSOCIATES, LLC  
622 TAYLOE ROAD  
UNIONTOWN AL 36786

RE: Arrowhead Trans - Load Station  
622 Tayloe Road  
Uniontown, AL 36786  
Perry County (105)

Dear Mr. Kaufmann:

Due to an administrative error, **General NPDES Permit Number ALG140902** has been modified to correctly state the outfall designation number as DSN001-2. The permit reissuance coverage letter dated October 1, 2012 incorrectly stated the discharge number as DSN001-1. The effective date of modification coverage is July 24, 2013.

Coverage under this permit does not authorize the discharge of any pollutant or wastewater that is not specifically identified in the permit and by the Notice of Intent which resulted in the granting of coverage. Those discharges identified in the NOI are:

Discharges	Receiving Waters
DSN001-2	Unnamed Tributary to Tayloe Creek

You are responsible for compliance with all provisions of the permit including but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit.

If you discharge to an impaired waterway, additional Best Management Practices (BMPs) will be required. The Alabama Department of Environmental Management encourages you to exercise pollution prevention practices and alternatives at your facility. Pollution prevention will assist you in complying with effluent limitations and permit regulations.

A copy of the General NPDES Permit under which coverage of your discharges has been granted is enclosed. If you have any questions concerning this permit, please contact Dodi Moseley by email at [dbmoseley@adem.state.al.us](mailto:dbmoseley@adem.state.al.us) or by phone at (334) 271-7725.

Sincerely,

*Glenda L. Dean*  
Glenda L. Dean  
Chief  
Water Division

Enclosure: Permit

File: NOI/17668

**Birmingham Branch**  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

**Decatur Branch**  
2715 Sandlin Road, S. W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)



**Mobile Branch**  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)

**Mobile-Coastal**  
4171 Commanders Drive  
Mobile, AL 36615-1421  
(251) 432-6533  
(251) 432-6598 (FAX)

# ADEM

---

ALABAMA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: DISCHARGES ASSOCIATED WITH TRANSPORTATION INDUSTRIES AND WAREHOUSING CONSISTING OF STORM WATER, NON-CONTACT COOLING WATER, COOLING TOWER BLOWDOWN, BOILER BLOWDOWN, DEMINERALIZER WASTEWATER, VEHICLE AND EQUIPMENT WASHWATER, AND STORM WATER FROM PETROLEUM STORAGE AND HANDLING AND EQUIPMENT STORAGE AND MAINTENANCE AREAS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG140902

RECEIVING WATERS: ALL WATERS OF THE STATE NOT DESIGNATED OUTSTANDING NATIONAL RESOURCE WATER, OUTSTANDING ALABAMA WATER, OR TREASURED ALABAMA LAKE

*In accordance with and subject to the provisions of Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the dischargers covered by this permit are hereby authorized to discharge into the above receiving waters.*

ISSUANCE DATE: August 29, 2012

EFFECTIVE DATE: October 1, 2012

EXPIRATION DATE: September 30, 2017

*Glenda L. Dean*

Alabama Department of Environmental Management

**TRANSPORTATION GENERAL NPDES PERMIT  
TABLE OF CONTENTS**

**PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS**

- A Discharge Limitations and Monitoring Requirements
- B Discharge Monitoring and Record Keeping Requirements
  - 1. Representative Sampling
  - 2. Test Procedures
  - 3. Recording of Results
  - 4. Records Retention and Production
  - 5. Monitoring Equipment and Instrumentation
- C Discharge Reporting Requirements
  - 1. Reporting of Monitoring Requirements
  - 2. Noncompliance Notification
- D Other Reporting and Notification Requirements
  - 1. Anticipated Noncompliance
  - 2. Termination of Discharge
  - 3. Updating Information
  - 4. Duty to Provide Information
  - 5. New or Increased Discharge
  - 6. Cooling Water Additives
- E Schedule of Compliance

**PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES**

- A Requirement for Coverage under This General Permit
  - 1. Notice of Intent
  - 2. Content of Notice of Intent
- B Operational and Management Requirements
  - 1 Facilities Operation and Maintenance
  - 2 Best Management Practices
  - 3 Spill Prevention, Control, and Management
- C Other Responsibilities
  - 1. Duty to Mitigate Adverse Impact
  - 2 Right of Entry and Inspection
- D Bypass and Upset
  - 1. Bypass
  - 2 Upset
- E Duty to Comply with Permit, Rules, and Statutes
  - 1 Duty to Comply
  - 2 Removed Substances
  - 3 Loss or Failure of Treatment Facilities
  - 4 Compliance with Statutes and Rules
- F Permit Transfer, Modification, Suspension, Revocation, Reissuance, and Termination
  - 1. Duty to Reapply or Notify of Intent to Cease Discharge
  - 2. Change in Discharge
  - 3 Transfer of Permit
  - 4. Permit Modification, Revocation and Reissuance (of Modified General or Individual), and Termination
  - 5. Issuance of an Individual Instead of a General Permit
  - 6 Request for Individual Permit by General Permit Holder
  - 7 Request for Permit Action Does Not Stay Any Permit Requirement
- G Compliance with Toxic Pollutant Standard or Prohibition
- H Discharge of Wastewater Generated by Others

**PART III OTHER PERMIT CONDITIONS**

- A Civil and Criminal Liability
- B Oil and Hazardous Substance Liability
- C Property and Other Rights
- D Availability of Reports
- E Compliance with Water Quality Standards
- F Groundwater
- G Definitions
- H Severability

**PART IV ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS**

- A Best Management Practices (BMP) Plan Requirements
- B Storm Water Measurement and Sampling
- C Discharges to Impaired Waters Requirements
- D Cooling Water Intake Structures (CWIS) Requirements

**TRANSPORTATION LIMITS  
GENERAL NPDES PERMIT NUMBER ALG140000  
PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN001: Storm water from vehicle and equipment parking and maintenance areas**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	2/
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Benzene	µg/l	-	Monitor	1/6 months	Grab
Ethylbenzene	µg/l	-	Monitor	1/6 months	Grab
Toluene	µg/l	-	Monitor	1/6 months	Grab
Xylene	µg/l	-	Monitor	1/6 months	Grab
Naphthalene	µg/l	-	Monitor	1/6 months	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Total Phosphorus	mg/l	-	Monitor	1/6 months	Grab
Total Recoverable Lead	mg/l	-	Monitor	1/6 months	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab

**THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

2/ See Part IV.B.

**TRANSPORTATION LIMITS  
GENERAL NPDES PERMIT NUMBER ALG140000  
PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN002: Storm water from warehousing and storage of goods that are exposed to storm water (other than motorized equipment).**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Total Nitrogen	mg/l	-	Monitor	1/6 months	Grab
Total Organic Carbon	mg/l	-	Monitor	1/6 months	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab

**THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

2/ See Part IV.B.

**TRANSPORTATION LIMITS  
GENERAL NPDES PERMIT NUMBER ALG140000  
PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN003: Storm water from warehousing and storage of goods (other than motorized equipment) that are exposed to storm water and that contains heavy metals.**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS <sup>1/</sup></u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	<sup>2/</sup>
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Total Recoverable Barium <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Total Cyanide	mg/l	-	Monitor	1/year	Grab
Total Nitrogen	mg/l	-	Monitor	1/6 months	Grab
Total Organic Carbon	mg/l	-	Monitor	1/6 months	Grab
Total Recoverable Arsenic <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Recoverable Cadmium <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Recoverable Copper <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Recoverable Lead <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Mercury <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Recoverable Nickel <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Recoverable Silver <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Zinc <sup>3/</sup>	mg/l	-	Monitor	1/year	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab

**THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

<sup>1/</sup> Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

<sup>2/</sup> See Part IV.B.

<sup>3/</sup> Only those metals which a facility could contribute to storm water must be monitored.

**TRANSPORTATION LIMITS  
GENERAL NPDES PERMIT NUMBER ALG140000  
PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN004: Discharges associated with non-contact cooling water, cooling tower blowdown, uncontaminated condensate, and boiler blowdown and demineralizer wastewater. 1/ 2/**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>			<u>MONITORING REQUIREMENTS</u>	
		Daily Minimum	Daily Maximum	Monthly Average	Measurement Frequency	Sample Type
Flow	gal/day	-	Monitor	-	1/month	Instantaneous
pH	s.u.	6.0	8.5	-	1/month	Grab
Temperature <u>3/</u>	°F	-	90	-	1/month	Grab
Total Residual Chlorine <u>4/</u> <u>5/</u> <u>6/</u>	mg/l	-	0.019	0.011	1/2 weeks	Grab
Chlorides, Total <u>7/</u>	mg/l	-	860	-	1/month	Grab
Total Dissolved Solids <u>7/</u>	mg/l	-	Monitor	-	1/month	Grab

**THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment. Unless otherwise specified, composite samples shall be time composite samples collected using automatic sampling equipment or a minimum of eight (8) equal volume grab samples collected over equal time intervals. All composite samples shall be collected for the total period of discharge not to exceed 24 hours.
- 2/ If necessary, the demineralizer wastewater may be diluted to meet water quality standards.
- 3/ Discharges into the Tennessee and Cahaba Rivers including their tributaries or into that stretch of the Tallapoosa River that lies between Thurlow Dam and the confluence of the Tallapoosa and Coosa Rivers including any tributaries shall not exceed 86°F.
- 4/ To be monitored if cooling water/boiler blowdown is discharged and/or during "shock chlorination", if applicable. Monitoring is not required if the discharge is greater than 2500 feet from a water of the state (provided the conditions of "Cooling Water Monitoring Options" of the "Notice of Intent" are met) or if the source water is free of chlorine and no chlorine is added to the cooling water system. However, the facility must code the total residual chlorine parameter on the electronic Discharge Monitoring Report (EDMR) as \*9 or as "NODI=9" on the hard copy DMR (monitoring is conditional not required this period).
- 5/ Monitoring is required during "shock chlorination", if applicable.
- 6/ Monitoring is not required if the source water is free of chlorine and no chlorine is added to the cooling water system. However, the facility must code the total residual chlorine parameter on the electronic Discharge Monitoring Report (eDMR) as \*9 or as "NODI=9" on the hard copy DMR (monitoring is conditional not required this period).
- 7/ To be monitored when demineralizer wastewater is discharged or when the boiler blowdown volume exceeds 5,000 GPD.

**TRANSPORTATION LIMITS  
GENERAL NPDES PERMIT NUMBER ALG140000  
PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN006: Storm water runoff from petroleum storage and fueling areas. 7/**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS <u>1/</u></u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/quarter	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/quarter	Grab
Benzene <u>3/</u>	µg/l	-	15.5	1/quarter	Grab
Ethylbenzene <u>4/</u>	µg/l	-	1244	1/quarter	Grab
Toluene <u>5/</u>	µg/l	-	8723	1/quarter	Grab
Xylene	µg/l	-	Monitor	1/quarter	Grab
Naphthalene <u>6/</u>	µg/l	-	620	1/quarter	Grab
Oil and Grease	mg/l	-	15	1/quarter	Grab
MTBE (Methyl Tertiary Butyl Ether)	µg/l	-	Monitor	1/quarter	Grab

**THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.
- 2/ See Part IV.B.
- 3/ The limit for benzene shall be 1.12 µg/l if the discharge is to a body of water which is designated as a public water supply.
- 4/ The limit for ethylbenzene shall be 448 µg/l if the discharge is to a body of water which is designated as a public water supply.
- 5/ The limit for toluene shall be 1,206 µg/l if the discharge is to a body of water which is designated as a public water supply.
- 6/ To be monitored only at facilities which handle diesel fuel, aviation fuel, or jet fuel.
- 7/ If fueling operations are the only industrial activities occurring (except for other permitted industrial activities) within the drainage area, then DSN010 applies for the discharge, unless the Department deems it necessary to require monitoring under DSN006 in addition to DSN010.



**TRANSPORTATION LIMITS**  
**GENERAL NPDES PERMIT NUMBER ALG140000**  
**PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN007: Discharges associated with vehicle and equipment exterior washing operations that DO NOT use solvents.**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Flow	gal/day	-	Monitor	1/week	Instantaneous 2/
pH	s.u.	6.0	8.5	1/month	Grab
Oil and Grease	mg/l	-	15	1/month	Grab
Total Phosphorus	mg/l	-	1.0	1/month	Grab
Total Suspended Solids	mg/l	-	50	1/month	Grab
Biochemical Oxygen Demand, 5-day	mg/l	-	Monitor	1/month	Grab
Total Recoverable Lead 3/	µg/l	-	64	1/month	Grab
Total Recoverable Aluminum 3/ 4/	mg/l	-	0.750	1/month	Grab
Total Recoverable Chromium 3/	µg/l	-	1537	1/month	Grab

**THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.
- 2/ If flows are intermittent, the flow volume may be estimated.
- 3/ If wheel / chrome brighteners are used, monitoring of lead, aluminum, and chromium is required.
- 4/ The aluminum limit only applies to discharges to freshwater.

PART I

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN010: Discharge limitations and monitoring requirements for uncontaminated storm water from equipment maintenance, storage, petroleum storage, and handling areas.** (This outfall may not mix with other discharges unless those discharges are permitted.)

Such discharge shall be limited and monitored by the permittee as specified below:

1. The facility will have a valid SPCC plan pursuant to 40 CFR 112, if applicable.
2. Best Management Practices (BMPs) will be used to prevent pollution of storm water by spillage or leakage during petroleum handling operations and from equipment maintenance and storage areas. The BMP shall include at a minimum:
  - a. Twice per week inspections on operational days of the area and removal of any leaked petroleum product;
  - b. Immediate cleanup of spilled or leaked petroleum product during handling operations, including fueling; and
  - c. All cleanup activities shall be conducted using dry sweep or other approaches that do not result in the creation of polluted wastewater or storm water runoff.
3. Records shall be maintained in the form of a log and shall contain the following information, as a minimum:
  - a. Date and time of inspections;
  - b. Any cleanup accomplished as a result of the inspection;
  - c. Time the cleanup was initiated and the time it was completed;
  - d. The signature of person making visual inspection and performing any cleanup; and
  - e. Description of any spillage occurring during petroleum handling, which shall include the date and time of the spill, estimated volume of spill, name of the person observing the spill, date and time the spill was cleaned up, and name of the person cleaning up the spill.
4. Best Management Practices (BMP) are used in draining the diked area. BMP is defined as use of a portable oil skimmer or similar device or the use of absorbent material to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
5. Monitoring records for dike drainage shall be maintained in the form of a log and shall contain the following information, as a minimum:
  - a. Date and time of discharge;
  - b. Estimated volume of discharge;
  - c. The signature of person making visual inspection and authorizing discharge.
6. The discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts.
- \*7. The permittee shall submit an **ANNUAL CERTIFICATION** by January 28th that all discharges during the preceding year, associated with the above, were in accordance with the conditions of the permit.

**TRANSPORTATION LIMITS  
GENERAL NPDES PERMIT NUMBER ALG140000  
PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

**Discharge monitoring requirements applicable to all discharges**

1. Monitoring of one storm water outfall within a designed drainage area as representative of the remaining outfalls, may be allowed if the applicant submits certification that the discharges are essentially the same. If at a later date the discharges are determined to be dissimilar or if pollutant concentrations are such that water quality standards are contravened, then monitoring of all discharges may be required.

## DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

### 1. Representative Sampling

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

### 2. Test Procedures

For the purpose of reporting and compliance, permittees shall use the Minimum Level (ML) as established by EPA. All analytical values at or above the ML shall be reported as the measured value. Values below the ML shall be reported as "0". Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this permit the permittee shall use the newly approved method.

For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the permittee during permit issuance, reissuance, modification, or during compliance schedule.

When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

### 3. Recording of Results

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all required analyses.

### 4. Records Retention and Production

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the

permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted unless requested.

- b. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection. A complete copy of the permit, the Best Management Practices (BMP) Plan, most recent BMP inspection records, and if applicable, a Spill Prevention, Control, and Countermeasure (SPCC) Plan shall be maintained at the facility. The past three years of DMRs, laboratory records, and historical BMP inspection and training records may be kept at an alternate Alabama location if approved by the Department.

5. **Monitoring Equipment and Instrumentation**

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every 12 months.

**C. DISCHARGE REPORTING REQUIREMENTS**

1. **Reporting of Monitoring Requirements**

- a. This permit requires twice monthly, monthly, quarterly, and semiannual self monitoring. The permittee shall conduct the required monitoring in accordance with the following schedule:

**MONITORING REQUIRED MONTHLY AND MORE FREQUENTLY THAN MONTHLY** shall be conducted during the first full month following the effective date of initial coverage under this permit and every month thereafter.

**QUARTERLY MONITORING** shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first full quarter following the effective date of initial coverage and each quarter thereafter.

**SEMI-ANNUAL MONITORING** shall be conducted at least once during the period of January through June and at least once during the period of July through December. The permittee shall conduct the semi-annual monitoring during the first complete six-month period following the effective date of initial coverage and each six-month period thereafter.

**ANNUAL MONITORING** shall be conducted at least once during the period of January through December. If six or more months are remaining in the first monitoring period after initial coverage, the annual monitoring shall be conducted and then once each twelve-month period thereafter.

- b. The permittee shall submit discharge monitoring reports (DMRs) on the forms provided by the Department and in accordance with the following schedule:

**REPORTS OF MORE FREQUENTLY THAN MONTHLY, MONTHLY, QUARTERLY, AND SEMI-ANNUAL MONITORING** shall be submitted on a semiannual basis. The semiannual reports shall be submitted so that they are received by the Department no later than the 28<sup>th</sup> day of July and the 28<sup>th</sup> day of January and each submittal shall report results of all testing performed during the six month period preceding the reporting month. For example, the semiannual report due on January 28 should report the results of testing conducted during the months of July through December.

**REPORTS OF ANNUAL TESTING** shall be submitted on an annual basis. The annual reports shall be submitted so that they are received by the Department no later than the 28<sup>th</sup> day of January and each submittal shall report results of all annual testing performed during the twelve month period preceding the reporting month. For example, the annual report due on January 28 should report the results of testing conducted during the previous months of January through December.

- c. The Department is utilizing a web-based electronic environmental (E2) reporting system for submittal of DMRs. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. If the permittee is not already participating in the E-DMR system, **within 180 days of coverage under this permit, permittees must apply for participation in the E-DMR system unless the facility submits in writing valid justification as to why they cannot participate and the Department approves in writing utilization of hard copy DMR submittals.** To participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes>. If the electronic environmental (E2) reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the E2 system is down on the 28<sup>th</sup> day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the E2 system resuming operation, the permittee shall enter the data into the E2 reporting system, unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date). If a permittee is allowed to submit via the US Postal Service, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit. If the permittee, using approved analytical methods as specified in Provision I. B. 2. monitors any discharge from a point source for a limited substance identified in Provision I. A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form and the increased frequency shall be indicated on the DMR Form. In the event no discharge from a point source identified in Provision I. A of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR Form.
- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and regulations, shall be signed by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-6-.09 and shall bear the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and Imprisonment for knowing violations."***
- e. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules, shall be addressed to:
- Alabama Department of Environmental Management  
Post Office Box 301463  
Montgomery, Alabama 36130-1463  
Attention: Environmental Data Section / Information Systems Branch
- f. All submittals required by this permit shall bear identification of the permittee by permitted name and permit number.

## 2. Noncompliance Notification

- a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)", (2) threatens human health or welfare, fish or aquatic life, or water quality standards, (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4), (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass, upset, (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director a written report as provided in Provision I. C. 2. c. no later than five (5) days after becoming aware of the occurrence of such discharge.
- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director a written report as provided in Provision I. C. 2. c. below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Provision I. C. 1. of this permit after becoming aware of the occurrence of such noncompliance.
- c. Any electronic report (or if acceptable to the Department a written report) required to be submitted to the Director by Provision I. C. 2 a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form provided with this permit and shall include the following information:
  - (1) A description of the discharge and cause of noncompliance;
  - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

## D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

### 1. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility, which may result in noncompliance with permit requirements.

### 2. Termination of Discharge

The permittee shall notify the Director, in writing, when any point source discharges authorized by this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for termination of the permittees authority to discharge under this General Permit.

### 3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or office having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the Notice of Intent.
- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent, or submitted incorrect information in the Notice of Intent; or in any report to the Director, it shall

promptly submit such facts or information with a written explanation for the mistake and/or omission.

4. Duty to Provide Information

- a. Any permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.
- b. Any or all permittees shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit.

5. New or Increased Discharges

If there is an increase in pollution potential of the discharges from the permittee's facility the permittee must notify the Director in writing. The Director may at his discretion determine under Part II.F. of this permit what action if any will be taken.

6. Cooling Water and Boiler Water Additives

- a. The permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in a cooling or boiler system, not identified in the application for this permit, from which discharge is allowed by this permit. Such notification shall include:
  - (1) name and general composition of biocide or chemical,
  - (2) 48-hour median tolerance limit data for organisms representative of the biota of the waterway into which the discharge will ultimately reach. For freshwater, the fathead minnow (*pimephales promelas*) and cladoceran (*Ceriodaphnia dubia*) are the required test organisms. For salt water, the organisms shall be mysid shrimp; and sheepshead minnow or inland silverside.
  - (3) quantities to be used,
  - (4) frequencies of use,
  - (5) proposed discharge concentrations, and
  - (6) EPA registration of number, if applicable.
- b. The use of a biocide or additive containing tributyl tin, tributyl tin oxide, zinc, chromium or related compounds in a cooling or boiler systems(s), from which a discharge regulated by this permit occurs, is prohibited. The use of any additive not identified in this permit or in the application for this permit prior to a determination by the Department that permit modification controlling discharge of the additive is prohibited.

E. SCHEDULE OF COMPLIANCE

1. The permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

**COMPLIANCE SHALL BE ACHIEVED  
ON THE EFFECTIVE DATE OF COVERAGE UNDER THIS PERMIT**

2. If required, no later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being



required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

## **PART II**

### **A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT**

#### **1. Notice of Intent**

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit and the appropriate discharge monitoring report forms. **The permittee must complete and submit all Departmental forms available electronically, including the E-NOI, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.** Departmental forms are available on ADEM's webpage at <http://www.adem.state.al.us/DeptForms/>.

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

#### **2. Content of Notice of Intent**

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
  - (1) A Notice of Intent shall be signed by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.
  - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

### **B. OPERATIONAL AND MANAGEMENT REQUIREMENTS**

#### **1. Facilities Operation and Maintenance**

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

## PART II

### A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT

#### 1. Notice of Intent

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit and the appropriate discharge monitoring report forms. **The permittee must complete and submit all Departmental forms available electronically, including the E-NOI, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.** Departmental forms are available on ADEM's webpage at <http://www.adem.state.al.us/DeptForms/>.

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

#### 2. Content of Notice of Intent

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
  - (1) A Notice of Intent shall be signed by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.
  - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

### B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

#### 1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

## **2. Best Management Practices**

- a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 if required thereby.
- c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV of this permit.

## **3. Spill Prevention, Control, and Management**

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

## **C. OTHER RESPONSIBILITIES**

### **1. Duty to Mitigate Adverse Impacts**

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation of this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

### **2. Right of Entry and Inspection**

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

## **D. BYPASS AND UPSET**

### **1. Bypass**

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
  - (1) It does not cause any discharge limitation specified in Provision I. A. of this permit to be exceeded;
  - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or

- (3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I. A. of this permit if:
  - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
  - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass.
- d. The permittee has the burden of establishing that each of the conditions of Provision II. D. 1. b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

## 2. Upset

- a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:
  - (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
  - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II D. 2. a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I. A. of this permit.

## E. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES

### 1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.

- c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
  - d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.
- 2. **Removed Substances**

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of storm waters and/or process water shall be disposed of in a manner that complies with all applicable Department Rules.
- 3. **Loss or Failure of Treatment Facilities**

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.
- 4. **Compliance With Statutes and Rules**
  - a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, AL 36110.
  - b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

**F. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, REISSUANCE AND TERMINATION**

- 1. **Duty to Reapply or Notify of Intent to Cease Discharge**
  - a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit an E-NOI or Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall be submitted at least 90 days prior to the expiration date of this General Permit.
  - b. Failure of the permittee to submit the appropriate application material for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code Rule 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.
- 2. **Change in Discharge**
  - a. The permittee shall give notice to the Director at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in:
    - (1) The discharge of additional pollutants;
    - (2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded;
    - (3) Or that could result in an additional discharge point.

This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual permit.

b. The permittee shall notify the Director as soon as it is known or there is reason to believe:

(1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:

(a) One hundred micrograms per liter;

(b) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;

(c) Five times the maximum concentration value reported for that pollutant in the permit application; or

(2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:

(a) Five hundred micrograms per liter;

(b) One milligram per liter for antimony;

(c) Ten times the maximum concentration value reported for that pollutant in the permit application.

### 3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit to identify the new permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

### 4. Permit Modification, Revocation and Reissuance, (of Modified General or Individual) and Termination

a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, Rule 335-6-6-.21, modify or revoke and reissue this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:

(1) There are material and substantial alterations or additions to the facility or activity generating the discharges which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;

- (3) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
  - (4) Upon the failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
  - (5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to discharge under 40 CFR 125.3(c);
  - (6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;
  - (7) If the permit limitations are found not to be protective of water quality standards;
  - (8) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
  - (9) When required by the reopener conditions in this permit, and
  - (10) For any applicable cause set forth in ADEM Administrative Code Rule 335-6-6-.17.
- b. Subject to the public notice procedures of ADEM Administrative Code Rule 335-6-6-.21, the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II.F.4.a.
- c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
- (1) Noncompliance with the permit;
  - (2) Noncompliance with Department Rules;
  - (3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment based limits applicable to the discharge;
  - (4) The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;
  - (5) Materially false or inaccurate statements or information in the permit application or the permit;
  - (6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - (7) The permittee's discharge threatens human life or welfare;
  - (8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and
  - (9) New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C),(D),(E),and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee.
- d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code Rule 335-6-6-.23 (7), or termination and issuance of an individual permit under ADEM Administrative Code Rule 335-6-6-.23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of

planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.

5. Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.

a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General permit shall automatically terminate. Reasons for this requirement may be:

- (1) Noncompliance with the General Permit;
- (2) Noncompliance with Department Rules;
- (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;
- (4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;
- (5) A water quality management plan applicable to the wastewater being discharged under this General Permit;
- (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
- (7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
- (8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
  - (i) the location of the discharges with respect to waters of the state,
  - (ii) the size of the discharger, and
  - (iii) the quantity and nature of the pollutants discharged to waters of the state.
- (9) A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

6. Request for an Individual NPDES Permit by a Person Covered Under This General Permit.

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.
- b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.
- c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.



7. Request for Permit Action Does Not Stay Any Permit Requirement

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

**G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION**

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I. A. of this permit, or controls a pollutant not limited in Provision I. A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

**H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS**

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

**PART III**

**A. CIVIL AND CRIMINAL LIABILITY**

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

3. Permit Enforcement

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under Rule 335-6-6-.18.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

(1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;

(2) An action for damages;

- (3) An action for injunctive relief; or
- (4) An action for penalties.

**4. Relief From Liability**

Except as provided in Provision II. D. 1. (Bypass) and Provision II. D. 2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

**B. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

**C. PROPERTY AND OTHER RIGHTS**

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the state or of the United States.

**D. AVAILABILITY OF REPORTS**

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

**E. COMPLIANCE WITH WATER QUALITY STANDARDS**

- 1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of a water quality standard or stream use classification.
- 2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require the permittee to take abatement action or apply for an individual permit pursuant to the Department's Rules, or both.
- 3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification.

**F. GROUNDWATER**

Unless specifically authorized by a permit issued by the Department, the discharge of pollutants to groundwater is prohibited. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

**G. DEFINITIONS**

- 1. Authorization – means granted the privilege of discharging under the terms of this General Permit.
- 2. Average monthly discharge limitation – means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not

be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).

3. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
4. AWPCA - means the Alabama Water Pollution Control Act.
5. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
6. Daily discharge - means the discharge of a pollutant measured during any consecutive 24 hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. Daily maximum - means the highest value of any individual sample result obtained during a day.
8. Daily minimum - means the lowest value of any individual sample result obtained during a day.
9. Day - means any consecutive 24-hour period.
10. Department - means the Alabama Department of Environmental Management.
11. Director - means the Director of the Department.
12. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
13. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
14. EPA - means the United States Environmental Protection Agency.
15. FWPCA - means the Federal Water Pollution Control Act.
16. Notice of Intent – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.
17. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
18. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
19. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
20. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
21. Shock chlorination – means the periodic use of chlorine in cooling water systems as a biocide.
22. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error,

- improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
23. **Waters** - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
24. **Week** - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

#### **H. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### **PART IV**

#### **A. BEST MANAGEMENT PRACTICES (BMP) PLAN**

1. **Plan Content.** and implement a best management practices plan (BMP) which shall:
  - a. Provide control sufficient to prevent or control pollution of storm water by particles to the degree required to maintain compliance with this permit and water quality standards. Erosion control should also be addressed.
  - b. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. thereby prevent the contamination of storm water from these substances;
  - c. Prevent or minimize storm water contact with residual wash down water;
  - d. Prevent or minimize storm water contact with any other pollutants present at the permittee's facility;
  - e. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
  - f. Provide for, at a minimum, two inspections a week, on days during which the facility is manned, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;
  - g. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water. The site map should also identify the location, size, and contents of any tanks.
  - h. Bear the signature of the plant manager or corporate official.
2. **Compliance Schedule.** The permittee shall prepare and fully implement the BMP no later than the date coverage is granted.

3. Department Review

- a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.
- b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.
- c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.

4. Administrative Procedures

- a. A copy of the BMP shall be maintained at the facility and shall be available for inspection by representatives of the Department.
- b. A log of the inspections required by Part IV.A. of this Permit shall be maintained at the facility and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed and any corrective actions taken for the last three years and each entry shall be signed by the person performing the inspection and any corrective actions taken.
- c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.
- d. BMP Plan Modification. The permittee shall amend the BMP Plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

**B. STORM WATER MEASUREMENT AND SAMPLING**

1. Storm Water Measurement

- a. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.
- b. The storm water event must be monitored, including the date and rainfall (in inches) for the storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
- c. During the sampling storm event, rainfall must be reported and may be measured using a rain gauge. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.

2. Storm Water Sampling

- a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.
- b. All test procedures will be in accordance with Part I.B.2. of this permit.

## **C. DISCHARGE(S) TO IMPAIRED WATERS REQUIREMENTS**

### **1. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharge(s) to 303(d) Listed Waters**

This permit does not authorize new sources or new dischargers of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA-established TMDL and/or on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

- a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.C., if its discharge does not meet this criterion, Part IV.C. does not apply to the facility.
- b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30<sup>th</sup> of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.
- c. If the facility discharges to a waterbody described above, it must also determine whether a total maximum daily load (TMDL) has been developed and approved or established by EPA for the listed waterbody. If a TMDL is approved or established during this permit cycle by USEPA for any waterbody into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of storm water discharges. By April 30<sup>th</sup> of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL. Revised BMP plans must be submitted to the Department for review. The facility must include a monitoring component in the BMP plan to assess the effectiveness of the BMPs in achieving the allocations. If the facility cannot ensure its discharges will not cause or contribute to impairment, then the facility must apply for and obtain permit coverage under an individual permit.

### **2. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharges into Waters with EPA-Approved or EPA-Established TMDLs**

- a. The facility must determine whether the EPA-approved or EPA-established TMDL is for a pollutant likely to be found in discharges from its facility.
- b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.
- c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocations provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.
- d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.

- e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.C.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.
  - f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.C.2.d.-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.C.2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.
3. **Requirements for New or Revised BMP Plans**  
 New or revised BMP plans developed in accordance with Parts IV.C.1 and IV.C.2 above must be submitted to the Department for review by April 30<sup>th</sup> of the year following EPA approval of the 303(d) list or EPA establishment/approval of applicable TMDL or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer).

### **COOLING WATER INTAKE STRUCTURES (CWIS)**

For new, not subject to Phase I, or existing facilities, not subject to Phase III rules, an initial determination of BTA will be made for the facility CWIS during the permit coverage renewal process. In each case, one of the below findings will be determined for the CWIS and appropriate requirements established as a part of permit coverage.

- 1. **Cooling Water Intake Requirements – No Additional Cooling Water Intake Structures (CWIS) Information Needed for Subsequent Best Technology Available (BTA) Determination**
  - a. The cooling water intake structure used by the permittee has been evaluated using available information. At this time, the Department has determined that the cooling water intake structure represents the best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. Section 1326).
  - b. The permittee shall submit the following information no later than thirteen (13) months after the effective coverage date for the source. The information will be evaluated to determine compliance with Section 316(b) of the federal Clean Water Act (33 U.S.C. Section 1326) with the subsequent permit renewal.
 

The data submitted shall include (1) the design intake flow of the CWIS, (2) the percentage of intake flow used for cooling purposes, (3) the through screen design intake flow velocity, (4) any impingement and entrainment data based on the operation of the facility's CWIS, collected since the effective date of this NPDES permit, and (5) a detailed description of any changes in the operation of the CWIS, or changes in the type of technologies used at the CWIS such as screens or other technologies affecting the rates of impingement and/or entrainment of fish and shellfish, (6) an estimate of the intake flow reduction at the facility based upon the use of a 100 percent (or some lesser percentage) closed-cycle re-circulating cooling water system compared to a conventional once-through cooling water system.
  - c. The permittee is required to operate and maintain the CWIS in a manner that minimizes impingement and entrainment levels. Documentation detailing the steps that have and are being taken to minimize the impingement and entrainment levels shall be maintained on-site and made available upon request during inspections.
- 2. **Cooling Water Intake Requirements – Existing BTA Determination Based Upon Limited or Uncertain Information**

- a. The cooling water intake structure used by the permittee has been evaluated using available information. At this time, the Department has determined that the cooling water intake structure represents the best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. Section 1326).
- b. The permittee shall submit the following information no later than thirteen (13) months after the effective coverage date for the source. The information shall be submitted to the Department's Industrial /Municipal Branch and will be evaluated to determine compliance with Section 316(b) of the federal Clean Water Act (33 U.S.C. Section 1326).

The data submitted shall include:

- (1) Cooling Water Intake Structure Information:
  - i. Description of all screens installed at the intake, including the size of the screen openings;
  - ii. Description of all technologies and operational measures used to reduce impingement and entrainment. Appropriate technologies include, but are not limited to increased opening to CWIS, fixed screens, velocity caps, seasonal shutdowns, reductions in flow, continuous operations of screens, etc;
  - iii. Estimation of the through-screen design intake flow velocity; and,
  - iv. Description of the operation of the intake structure, including daily hours of operation, the number of days during the year in operation, and any seasonal changes in operation.
- (2) Cooling Water System Information:
  - i. Estimation of the intake flow reduction at the facility based upon the use of a 100 percent (or some lesser percentage) closed-cycle re-circulating cooling water system compared to a conventional once-through cooling water system. If the facility utilizes a conventional once-through cooling system, the flow reduction percentage is zero. If the facility utilizes a 100 percent closed-cycle re-circulating cooling water system, the flow reduction percentage is 100;
  - ii. Estimation of the percentage of water withdrawn through the intake which is used for cooling purposes; and,
  - iii. Estimation of the number of days of the year during which the cooling water system is in operation and identification of any seasonal changes in operation, including when these changes occur.
- (3) Existing Facilities Only—Impingement (and entrainment, if applicable):
  - i. The permittee shall submit any available impingement and entrainment sampling data for the cooling water intake structure.
  - ii. If it is determined by the Department that impingement/entrainment is not being minimized at this facility or there are threatened and/or endangered species within the intake's area of influence, and the information in C.2.b.(3)(i) is not available, the Department may require the permittee to conduct impingement and entrainment sampling at the facility's intake structure. The sampling, if so required, shall be conducted at times and frequencies which will allow the results to be representative of the operation of the intake structure
- (4) Source Water Data: If it is determined by the Department that impingement/entrainment is not being minimized at the facility, and in the absence of any biological data for the source water:
  - i. The permittee shall submit source water physical data as required under 40 CFR 122.21(r)(2).
  - ii. The permittee shall submit source water biological characterization data as required under 40 CFR 122.21(r)(4).
- c. The permittee is required to operate and maintain the CWIS in a manner that minimizes impingement and entrainment levels. Documentation detailing the steps that have and are being taken to minimize the impingement and entrainment levels shall be maintained on-site and made available upon request during inspections.
- d. If after review of the submitted data, it is determined that the permittee does not meet BTA, then the permittee will be required to apply for coverage under an Individual Permit.



3. Cooling Water Intake Requirements – Facilities Obtaining Cooling Water from Another Entity
- a. If an entity provides water to the permittee which is used for cooling by means of a surface water intake, the intake structure operated by the entity must be determined to represent the best technology available (BTA) to minimize adverse environmental impact in accordance with Section 316(b) of the federal Clean Water Act (33 U.S.C. section 1326).
  - b. If the entity providing water to the permittee is a public water system in accordance with Section 1401 of the Safe Water Drinking Act or the water used for cooling consists of treated effluent which would otherwise be discharged, the permittee is exempt from the requirements of this permit condition.



LANCE R. LEFLEUR  
DIRECTOR



ROBERT J. BENTLEY  
GOVERNOR

Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

JAN 31 2012

ERNEST KAUFMANN PRESIDENT  
PERRY COUNTY ASSOCIATES, LLC  
132 RIVERSTONE TERRACE, SUITE 103  
CANTON GA 30114

RE: Administrative Correction for Arrowhead Landfill  
Route 2, Box 110 A  
Uniontown, AL 36786  
Perry County (105)

Dear Mr. Kaufmann:

Due to an Administrative correction, ALG160167 has been modified. The permit reissuance coverage letter dated January 17, 2012 incorrectly stated the permittee name as Perry County Associates Landfill, LLC. This letter is to inform you that a change has been made to correctly show the permittee name as **Perry County Associates, LLC**. All other information for the permit remains the same. Coverage under **General NPDES Permit Number ALG160167** is granted. The effective date of modification coverage is February 1, 2012.

Coverage under this permit does not authorize the discharge of any pollutant or wastewater that is not specifically identified in the permit and by the Notice of Intent which resulted in the granting of coverage. Those discharges identified in the NOI are:

Discharges	Receiving Waters
DSN001-1	Unnamed Tributary to Tayloe Creek
DSN001-2	Unnamed Tributary to Tayloe Creek
DSN003-1	Unnamed Tributary to Tayloe Creek

You are responsible for compliance with all provisions of the permit including but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit.

Within 180 days of coverage under this permit, permittees must apply for participation in the E-DMR system in accordance with Permit Condition I. C. 1. c. To participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes>

If you discharge to an impaired waterway, additional Best Management Practices (BMPs) will be required. The Alabama Department of Environmental Management encourages you to exercise pollution prevention practices and alternatives at your facility. Pollution prevention will assist you in complying with effluent limitations and permit regulations.

A copy of the General NPDES Permit under which coverage of your discharges has been granted was previously emailed to you. If you have any questions concerning this permit, please contact Dodi Moseley by email at [dbmoseley@adem.state.al.us](mailto:dbmoseley@adem.state.al.us) or by phone at (334) 271-7725.

Sincerely,

Glenda L. Dean  
Chief  
Water Division

Encl: Permit

File: NOI/17668

**Birmingham Branch**  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

**Decatur Branch**  
2715 Sandlin Road, S. W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)



**Mobile Branch**  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)

**Mobile-Coastal**  
4171 Commanders Drive  
Mobile, AL 36615-1421  
(251) 432-6533  
(251) 432-6598 (FAX)

# ADEM

ALABAMA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: STORM WATER RUNOFF, **NOT** CONTAINING LEACHATE, FROM ACTIVE AND INACTIVE LANDFILLS; FROM TRANSFER STATIONS INCLUDING STORM WATER RUNOFF FROM LAND DISTURBANCE ACTIVITIES ASSOCIATED WITH OPENING AND CLOSING CELLS AT LANDFILLS; EXTERIOR VEHICLE AND EQUIPMENT WASH WATER; AND STORM WATER FROM PETROLEUM STORAGE AND HANDLING, EQUIPMENT STORAGE, AND MAINTENANCE AREAS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG160167

RECEIVING WATERS: ALL WATERS OF THE STATE NOT DESIGNATED OUTSTANDING NATIONAL RESOURCE WATER, OUTSTANDING ALABAMA WATER, OR TREASURED ALABAMA LAKE

*In accordance with and subject to the provisions of Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, **Code of Alabama 1975**, §§22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, **Code of Alabama 1975**, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the dischargers covered by this permit are hereby authorized to discharge into the above receiving waters.*

ISSUANCE DATE: October 31, 2011

EFFECTIVE DATE: February 1, 2012

EXPIRATION DATE: January 31, 2017

  
Alabama Department of Environmental Management

## LANDFILL GENERAL PERMIT

### TABLE OF CONTENTS

#### PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

- A. Discharge Limitations and Monitoring Requirements
- B. Discharge Monitoring and Record Keeping Requirements
  - 1. Representative Sampling
  - 2. Test Procedures
  - 3. Recording of Results
  - 4. Records Retention and Production
  - 5. Monitoring Equipment and Instrumentation
- C. Discharge Reporting Requirements
  - 1. Reporting of Monitoring Requirements
  - 2. Noncompliance Notification
- D. Other Reporting and Notification Requirements
  - 1. Anticipated Noncompliance
  - 2. Termination of Discharge
  - 3. Updating Information
  - 4. Duty to Provide Information
  - 5. New or Increased Discharges
- E. Schedule of Compliance

#### PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

- A. Requirement for Coverage Under This General Permit
  - 1. Notice of Intent
  - 2. Content of Notice of Intent
- B. Operational and Management Requirements
  - 1. Facilities Operation and Maintenance
  - 2. Best Management Practices
  - 3. Spill Prevention, Control, and Management
- C. Other Responsibilities
  - 1. Duty To Mitigate Adverse Impact
  - 2. Right of Entry and Inspection
- D. Bypass and Upset
  - 1. Bypass
  - 2. Upset
- E. Duty to Comply with Permit, Rules, and Statutes
  - 1. Duty to Comply
  - 2. Removed Substances
  - 3. Loss or Failure of Treatment Facilities
  - 4. Compliance with Statutes and Rules
- F. Permit Transfer, Modification, Suspension, Revocation, Reissuance, and Termination
  - 1. Duty to Reapply or Notify of Intent to Cease Discharge
  - 2. Change in Discharge
  - 3. Transfer of Permit
  - 4. Permit Modification, Revocation and Reissuance (of Modified General or Individual), and Termination
  - 5. Issuance of an Individual Instead of a General Permit
  - 6. Request for Individual Permit by General Permit Holder
  - 7. Request for Permit Action Does Not Stay Any Permit Requirement
- G. Compliance with Toxic Pollutant Standard or Prohibition
- H. Discharge of Wastewater Generated by Others

#### PART III OTHER PERMIT CONDITIONS

- A. Civil and Criminal Liability
- B. Oil and Hazardous Substance Liability
- C. Property and Other Rights
- D. Availability of Reports
- E. Compliance With Water Quality Standards
- F. Groundwater
- G. Definitions
- H. Severability

#### PART IV ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

- A. Storm Water Measurement and Sampling
- B. Best Management Practices (BMP) Plan
- C. Discharges to Impaired Waters Requirements

**LANDFILL GENERAL PERMIT LIMITS**  
**GENERAL NPDES PERMIT NUMBER ALG160000**  
**PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN001: All storm water discharges which do not contain leachate from active or inactive landfills, from transfer stations; including land disturbance activities associated with opening and closing cells at landfills.**

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS <sup>1/ 2/ 3/</sup>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	<sup>4/</sup>
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Biochemical Oxygen Demand, 5-day	mg/l	-	Monitor	1/6 months	Grab
Chemical Oxygen Demand	mg/l	-	Monitor	1/year	Grab
Cadmium, Total	mg/l	-	Monitor	1/6 months	Grab
Chromium, Total	mg/l	-	Monitor	1/6 months	Grab
Copper, Total	mg/l	-	Monitor	1/6 months	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Settleable Solids <sup>5/ 7/</sup>	ml/l	-	Monitor	1/6 months <sup>7/</sup>	Grab
Total Dissolved Solids	mg/l	-	Monitor	1/6 months	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab
Downstream Turbidity <sup>5/ 6/ 7/</sup>	ntus	-	<sup>6/</sup>	1/6 months <sup>7/</sup>	Grab
Upstream Turbidity <sup>5/ 6/ 7/</sup>	ntus	-	Monitor	1/6 months <sup>7/</sup>	Grab

**THERE SHALL BE NO DISCHARGE OF A VISIBLE OIL SHEEN, FLOATING SOLIDS, OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

- <sup>1/</sup> Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment
- <sup>2/</sup> Semiannual monitoring shall be performed during the first complete January – June or July – December period following authorization under this permit and during each subsequent six (6) month period. The annual parameter may be taken during the first or second six months of the monitoring period, but must be taken if there is a full six month period or more remaining in the monitoring period. The annual parameter result is reported on the semiannual form that is applicable to the date the annual parameter sample was taken. For the six months period that the facility did not sample the annual parameter, the facility must code the annual parameter on the semiannual electronic report as \*9 or on the semiannual hardcopy report as "NODI=9" (monitoring is conditional not required this period). Quarterly monitoring shall be performed during the first complete January – March, April-June, July-September, or October – December period following authorization under this permit and during each subsequent three (3) month period. Monitoring reports shall be submitted semiannually so that they arrive at the Department no later than the 28th day of the month following the six (6) month monitoring period (no later than January 28 and July 28).
- <sup>3/</sup> A storm event is defined as 0.1 inch or greater rainfall and at least 72 hours from the previously measureable (greater than 0.1 inch rainfall) storm event. Monitoring shall be performed during the first thirty minutes of discharge (or as soon thereafter as practicable).
- <sup>4/</sup> See Part IV A. of the permit.
- <sup>5/</sup> To be monitored only when land disturbance activities (associated with opening and closing cells at landfills) are occurring. These land disturbance activities may include digging for cover material within the permitted landfill area, but not outside of that permitted area. If no such land disturbance activities are occurring, then the landfill must code the discharge monitoring report (DMR) for that period as "NODI=9" (monitoring is conditional not required this period).
- <sup>6/</sup> Downstream turbidity shall not exceed 50 NTUs above the upstream turbidity.
- <sup>7/</sup> If the permittee discharges to impaired waters as identified by an EPA-approved or EPA established TMDL and/or on the State of Alabama's 303(d) list, then settleable solids, downstream turbidity, and upstream turbidity must be monitored quarterly instead of semi-annually. ADEM reserves the right to require the permittee to obtain an individual permit for any of the reasons listed in Part II. F. 5. a. (1) through (9) of the permit.

**LANDFILL GENERAL PERMIT LIMITS  
GENERAL NPDES PERMIT ALG160000  
PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN002: Storm water runoff from petroleum storage and fueling areas. 7/**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS <u>1/</u></u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/quarter	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/quarter	Grab
Benzene <u>3/</u>	µg/l	-	15.5	1/quarter	Grab
Ethylbenzene <u>4/</u>	µg/l	-	1,244	1/quarter	Grab
Toluene <u>5/</u>	µg/l	-	8,723	1/quarter	Grab
Xylene	µg/l	-	Monitor	1/quarter	Grab
Naphthalene <u>6/</u>	µg/l	-	620	1/quarter	Grab
Oil and Grease	mg/l	-	15	1/quarter	Grab
MTBE (Methyl Tertiary Butyl Ether)	µg/l	-	Monitor	1/quarter	Grab

**THERE SHALL BE NO DISCHARGE OF DEBRIS. THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS**

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.
- 2/ See Part IV.A.
- 3/ The limit for benzene shall be 1.12 µg/l if the discharge is to a body of water which is designated as a public water supply (PWS) or within a 24 hour travel time to a body of water designated as a PWS.
- 4/ The limit for ethylbenzene shall be 448 µg/l if the discharge is to a body of water which is designated as a PWS or within a 24 hour travel time to a body of water designated as a PWS.
- 5/ The limit for toluene shall be 1,206 µg/l if the discharge is to a body of water which is designated as a PWS or within a 24 hour travel time to a body of water designated as a PWS.
- 6/ To be monitored only at facilities which handle diesel fuel, aviation fuel, or jet fuel.
- 7/ If fueling operations are the only industrial activities occurring within the drainage area, then DSN003 applies for the discharge, unless the Department deems it necessary to require monitoring under DSN002 in addition to DSN003.

**LANDFILL GENERAL PERMIT LIMITS**  
**GENERAL NPDES PERMIT NUMBER ALG160000**  
**PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN003: Uncontaminated storm water from equipment maintenance and storage and petroleum storage and handling areas.**

Such discharges shall be limited and monitored by the permittee as specified below:

1. The facility will have a valid SPCC plan pursuant to 40 CFR Part 112.
2. Best Management Practices (BMP) will be used to prevent pollution of storm water by spillage or leakage during petroleum handling operations and from equipment maintenance and storage areas. The BMP shall include at a minimum:
  - a. Twice per week inspections of the area and removal of any leaked petroleum product;
  - b. Immediate cleanup of spilled or leaked petroleum product during handling operations, including fueling; and
  - c. All cleanup activities shall be conducted using dry sweep or other approaches that do not result in the creation of polluted wastewater or storm water runoff.
3. Records shall be maintained in the form of a log and shall contain the following information, as a minimum:
  - a. Date and time of twice per week inspections;
  - b. Any cleanup accomplished as a result of the inspections;
  - c. Time the cleanup was initiated and the time it was completed;
  - d. Initials of person making visual inspection and performing any cleanup; and
  - e. Description of any spillage occurring during petroleum handling, which shall include the date and time of the spill, estimated volume of spill, name of the person observing the spill, date and time the spill was cleaned up, and name of the person cleaning up the spill.
4. Best Management Practices (BMP) are used in draining the diked area. BMP is defined as use of a portable oil skimmer or similar device or the use of an absorbant material to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
5. Monitoring records for dike drainage shall be maintained in the form of a log and shall contain the following information, at a minimum:
  - a. Date and time of discharge;
  - b. Estimated volume of discharge;
  - c. Initials of person making visual inspection and authorizing the discharge.
6. The discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts.
7. The permittee shall submit an **ANNUAL CERTIFICATION** by January 28th that all discharges, during the preceding year, associated with the above were in accordance with the conditions of the permit.



**LANDFILL GENERAL PERMIT LIMITS**  
**GENERAL NPDES PERMIT NUMBER ALG160000**  
**PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application.

**DSN004: Exterior vehicle, automobile, and equipment exterior washing operations that DO NOT use solvents and have NOT come in direct contact with solid waste at the landfill facility. 3/**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS <u>1/</u></u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Flow	gal/day	-	Monitor	1/week	Instantaneous <u>2/</u>
pH	s.u.	6.0	8.5	1/month	Grab
Oil and Grease	mg/l	-	15	1/month	Grab
Phosphorus, Total	mg/l	-	1.0	1/month	Grab
Total Suspended Solids	mg/l	-	50	1/month	Grab

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

2/ If flows are intermittent the flow volume may be estimated.

3/ This permit does not allow for the discharge of landfill wastewater as defined by 40 CFR Part 445.2 (f).

PART I

A. DISCHARGE MONITORING REQUIREMENTS APPLICABLE TO ALL DISCHARGES

Monitoring of one storm water outfall within designed drainage area as representative of the remaining outfalls, may be allowed if the applicant submits certification that the discharges are essentially the same. If at a later date the discharges are determined to be dissimilar or if pollutant concentrations are such that water quality standards are contravened, then monitoring of all discharges may be required.

**This permit does not allow for the discharge of landfill wastewater as defined by 40 CFR Part 445.2 (f).**

## **B. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS**

### **1. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

### **2. Test Procedures**

For the purpose of reporting and compliance, permittees shall use the Minimum Level (ML) as established by EPA. All analytical values at or above the ML shall be reported as the measured value. Values below the ML shall be reported as "0". Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this permit the permittee shall use the newly approved method.

For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the permittee during permit issuance, reissuance, modification, or during compliance schedule.

When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

### **3. Recording of Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all required analyses.

### **4. Records Retention and Production**

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the

permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted unless requested.

- b. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection. A complete copy of the permit, the Best Management Practices (BMP) Plan, most recent BMP inspection records, and, if applicable, a Spill Prevention, Control, and Countermeasures (SPCC) Plan shall be maintained at the facility. The past three years of DMRs, laboratory records, and historical BMP inspection and training records may be kept at an alternate Alabama location if approved by the Department.

## 5. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every 12 months.

## C. DISCHARGE REPORTING REQUIREMENTS

### 1. Reporting of Monitoring Requirements

- a. This permit requires twice monthly, monthly, quarterly, and semiannual self monitoring. The permittee shall conduct the required monitoring in accordance with the following schedule:

**MONITORING REQUIRED MONTHLY AND MORE FREQUENTLY THAN MONTHLY** shall be conducted during the first full month following the effective date of initial coverage under this permit and every month thereafter.

**QUARTERLY MONITORING** shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first full quarter following the effective date of initial coverage and each quarter thereafter.

**SEMI-ANNUAL MONITORING** shall be conducted at least once during the period of January through June and at least once during the period of July through December. The permittee shall conduct the semi-annual monitoring during the first complete six-month period following the effective date of initial coverage and each six-month period thereafter.

**ANNUAL MONITORING** shall be conducted at least once during the period of January through December. If six or more months are remaining in the first monitoring period after initial coverage, the annual monitoring shall be conducted and then once each twelve-month period thereafter.

- b. The permittee shall submit discharge monitoring reports (DMRs) on the forms provided by the Department and in accordance with the following schedule:

**REPORTS OF MORE FREQUENTLY THAN MONTHLY, MONTHLY, QUARTERLY, AND SEMI-ANNUAL MONITORING** shall be submitted on a semiannual basis. The semiannual reports shall be submitted so that they are received by the Department no later than the 28<sup>th</sup> day of July and the 28<sup>th</sup> day of January and each submittal shall report results of all testing performed during the six month period preceding the reporting month. For example, the semiannual report due on January 28 should report the results of testing conducted during the months of July through December.

**REPORTS OF ANNUAL TESTING** shall be submitted on an annual basis. The annual reports shall be submitted so that they are received by the Department no later than the 28<sup>th</sup> day of January and each submittal shall report results of all annual testing performed during the twelve month period preceding the reporting month. For example, the annual report due on January 28

should report the results of testing conducted during the previous months of January through December.

- c. The Department is utilizing a web-based electronic environmental (E2) reporting system for submittal of DMRs. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. If the permittee is not already participating in the E-DMR system, within 180 days of coverage under this permit, permittees must apply for participation in the E-DMR system unless the facility submits in writing valid justification as to why they cannot participate and the Department approves in writing utilization of hard copy DMR submittals. To participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes>. If the electronic environmental (E2) reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the E2 system is down on the 28<sup>th</sup> day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the E2 system resuming operation, the permittee shall enter the data into the E2 reporting system, unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date). If a permittee is allowed to submit via the US Postal Service, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit. If the permittee, using approved analytical methods as specified in Provision I. B. 2. monitors any discharge from a point source for a limited substance identified in Provision I. A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form and the increased frequency shall be indicated on the DMR Form. In the event no discharge from a point source identified in Provision I. A of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR Form.

- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and regulations, shall be electronically signed (or if allowed by the Department, traditionally signed) by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-6-.09 and shall bear the following certification:

***"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."***

- e. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and being submitted via the US Postal Service, shall be addressed to:

Alabama Department of Environmental Management  
Post Office Box 301463  
Montgomery, Alabama 36130-1463  
Attention: Environmental Data Section / Information Systems Branch

- f. All submittals required by this permit shall bear identification of the permittee by permitted name and permit number.

## 2. Noncompliance Notification

- a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)", (2) threatens human health or welfare, fish or aquatic life, or water quality standards, (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4), (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass, upset, (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director electronically a report (or if acceptable to the Department a written report) as provided in Provision I. C. 2. c. no later than five (5) days after becoming aware of the occurrence of such discharge.
- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director a report as provided in Provision I. C. 2. c. below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Provision I. C. 1. of this permit after becoming aware of the occurrence of such noncompliance.
- c. Any electronic report (or if acceptable to the Department a written report) required to be submitted to the Director by Provision I. C. 2 a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form provided with this permit and shall include the following information:
  - (1) A description of the discharge and cause of noncompliance;
  - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

## D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

### 1. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility, which may result in noncompliance with permit requirements. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

### 2. Termination of Discharge

The permittee shall notify the Director, in writing, when any point source discharges authorized by this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for termination of the permittees authority to discharge under this General Permit.

### 3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or office having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the Notice of Intent.

- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent, or submitted incorrect information in the Notice of Intent; or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

4. Duty to Provide Information

- a. Any permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.
- b. Any or all permittees shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit.

5. New or Increased Discharges

If there is an increase in pollution potential of the discharges from the permittee's facility the permittee must notify the Director in writing. The Director may at his discretion determine under Part II.F. of this permit what action if any will be taken.

**E. SCHEDULE OF COMPLIANCE**

- 1. The permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

**COMPLIANCE SHALL BE ACHIEVED  
ON THE EFFECTIVE DATE OF COVERAGE UNDER THIS PERMIT**

If required, no later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

**PART II**

**A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT**

- 1. Notice of Intent

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit and the appropriate discharge monitoring report forms. **The permittee must complete and submit all Departmental forms available electronically, including the E-NOI, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.** Departmental forms are available on ADEM's webpage at <http://www.adem.state.al.us/DeptForms/>.

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

## 2 Content of Notice of Intent

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
  - (1) A Notice of Intent shall be electronically signed (or if acceptable to the Department, traditionally signed) by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.
  - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

## B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

### 1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

### 2. Best Management Practices

- a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 if required thereby.
- c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV of this permit.

### 3. Spill Prevention, Control, and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

## C. OTHER RESPONSIBILITIES

### 1. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation of



this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

2. **Right of Entry and Inspection**

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

**D. BYPASS AND UPSET**

1. **Bypass**

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
  - (1) It does not cause any discharge limitation specified in Provision I. A. of this permit to be exceeded;
  - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or
  - (3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I. A. of this permit if:
  - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
  - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass. This request must be submitted electronically unless acceptable to the Department to submit otherwise.
- d. The permittee has the burden of establishing that each of the conditions of Provision II. D. 1. b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

2. Upset

- a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:
  - (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
  - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II D. 2. a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I. A. of this permit.

**E. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES**

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of storm waters and/or process water shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.

4. Compliance With Statutes and Rules

- a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of

this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, AL 36110.

- b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

**F. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, REISSUANCE, AND TERMINATION**

**1. Duty to Reapply or Notify of Intent to Cease Discharge**

- a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit an E-NOI or Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall be submitted at least 90 days prior to the expiration date of this General Permit.
- b. Failure of the permittee to submit the appropriate application material for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code Rule 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

**2. Change in Discharge**

- a. The permittee shall give notice to the Director at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in:
  - (1) The discharge of additional pollutants;
  - (2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded;
  - (3) Or that could result in an additional discharge point.

This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual permit.

- b. The permittee shall notify the Director as soon as it is known or there is reason to believe:
  - (1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
    - (a) One hundred micrograms per liter;
    - (b) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;
    - (c) Five times the maximum concentration value reported for that pollutant in the permit application; or
  - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (a) Five hundred micrograms per liter;

- (b) One milligram per liter for antimony;
- (c) Ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit to identify the new permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

4. Permit Modification, Revocation and Reissuance (of Modified General or Individual) and Termination

- a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, Rule 335-6-6-.21, modify or revoke and reissue this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:
  - (1) There are material and substantial alterations or additions to the facility or activity generating the discharges which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
  - (2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
  - (3) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
  - (4) Upon the failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
  - (5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to discharge under 40 CFR 125.3(c);
  - (6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;
  - (7) If the permit limitations are found not to be protective of water quality standards;
  - (8) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
  - (9) When required by the reopener conditions in this permit, and
  - (10) For any applicable cause set forth in ADEM Administrative Code Rule 335-6-6-.17.
- b. Subject to the public notice procedures of ADEM Administrative Code Rule 335-6-6-.21, the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II.F.4.a.

- c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
- (1) Noncompliance with the permit;
  - (2) Noncompliance with Department Rules;
  - (3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment based limits applicable to the discharge;
  - (4) The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;
  - (5) Materially false or inaccurate statements or information in the permit application or the permit;
  - (6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - (7) The permittee's discharge threatens human life or welfare;
  - (8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and
  - (9) New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C),(D),(E),and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee.
- d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code Rule 335-6-23 (7), or termination and issuance of an individual permit under ADEM Administrative Code Rule 335-6-23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.
5. Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.
- a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General permit shall automatically terminate. Reasons for this requirement may be:
- (1) Noncompliance with the General Permit;
  - (2) Noncompliance with Department Rules;
  - (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;
  - (4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;
  - (5) A water quality management plan applicable to the wastewater being discharged under this General Permit;

- (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
- (7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
- (8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
  - (i) the location of the discharges with respect to waters of the state,
  - (ii) the size of the discharger, and
  - (iii) the quantity and nature of the pollutants discharged to waters of the state.
- (9) A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

**6. Request for an Individual NPDES Permit by a Person Covered Under This General Permit.**

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.
- b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.
- c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

**7. Request for Permit Action Does Not Stay Any Permit Requirement**

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

**G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION**

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I. A. of this permit, or controls a pollutant not limited in Provision I. A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

**H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS**

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

## **PART III**

### **A. CIVIL AND CRIMINAL LIABILITY**

#### **1. Tampering**

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

#### **2. False Statements**

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

#### **3. Permit Enforcement**

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under Rule 335-6-6-.18.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

- (1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;
- (2) An action for damages;
- (3) An action for injunctive relief; or
- (4) An action for penalties.

#### **4. Relief From Liability**

Except as provided in Provision II. D. 1. (Bypass) and Provision II. D. 2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

### **B. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

### **C. PROPERTY AND OTHER RIGHTS**

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the state or of the United States.

**D. AVAILABILITY OF REPORTS**

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

**E. COMPLIANCE WITH WATER QUALITY STANDARDS**

1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of a water quality standard or stream use classification.
2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require the permittee to take abatement action or apply for an individual permit pursuant to the Department's Rules, or both.
3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification.

**F. GROUNDWATER**

Unless specifically authorized by a permit issued by the Department, the discharge of pollutants to groundwater is prohibited. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

**G. DEFINITIONS**

1. Authorization – means granted the privilege of discharging under the terms of this General Permit.
2. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
3. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
4. AWPCA - means the Alabama Water Pollution Control Act.
5. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
6. Daily discharge - means the discharge of a pollutant measured during any consecutive 24 hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. Daily maximum - means the highest value of any individual sample result obtained during a day.
8. Daily minimum - means the lowest value of any individual sample result obtained during a day.
9. Day - means any consecutive 24-hour period.
10. Department - means the Alabama Department of Environmental Management.



11. Director - means the Director of the Department.
12. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
13. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
14. EPA - means the United States Environmental Protection Agency.
15. FWPCA - means the Federal Water Pollution Control Act.
16. Landfill Wastewater as defined by 40 CFR Part 445.2 (f) means all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.
17. Notice of Intent – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.
18. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
19. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
20. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
21. Qualified Credentialed Professional or QCP means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc. Other registered or certified professionals such as registered landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that can enable recognized individuals to prepare CBMPP's to makes sound professional judgments regarding Alabama NPDES rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.
22. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
23. Shock chlorination – means the periodic use of chlorine in cooling water systems as a biocide.
24. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error,

improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

25. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
26. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

#### **H. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### **PART IV**

#### **A. STORM WATER MEASUREMENT AND SAMPLING**

1. Storm Water Measurement
  - a. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.
  - b. The storm water event must be monitored, including the date and rainfall (in inches) for the storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
  - c. During the sampling storm event, rainfall must be reported and may be measured using a rain guage. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
2. Storm Water Sampling
  - a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.
  - b. All test procedures will be in accordance with Part I.B.2. of this permit.

#### **B. BEST MANAGEMENT PRACTICES (BMP) PLAN**

1. Plan Content for Landfill Activities: The permittee shall prepare (or as required have a QCP prepare) and implement a best management practices (BMP) plan which shall:
  - a. Provide control sufficient to prevent or control pollution of storm water by soil particles to the degree required to prevent violation of the turbidity water quality standard applicable to the waterbody receiving the discharge;

- b. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance and repair activities and thereby prevent the contamination of storm water from these substances;
- c. Prevent or minimize the storm water contact with material stored on site;
- d. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
- e. Provide for at a minimum, two inspections a week, on days during which the facility is manned, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;
- f. If spillage is a factor during loading and unloading of bulk material, provide for prevention of the mixing of spillage with discharged storm water;
- g. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
- h. Prevent the pollution of storm water by animal wastes;
- i. Bear the signature of the landfill manager or corporate official;
- j. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit;
- k. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes;
- l. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.

## 2. Plan Content for Construction Activities

- a. A Qualified Credentialed Professional must prepare the BMP Plan that addresses the land disturbance activities. Permittee shall implement a BMP Plan describing structural and non-structural practices which will be implemented and maintained to prevent/minimize the discharge of all sources of pollution (i.e., sediment, trash, garbage, debris, oil & grease, chemicals, materials, etc.) to State waters in storm water runoff. The Plan must be designed to address the following goals: (1) to divert upslope water around the site; (2) to limit the exposure of disturbed areas to precipitation to the shortest amount of time possible; (3) to minimize the amount of surface area that is disturbed; and (4) to remove sediment, nutrients, and other pollutants from the storm water before it leaves the site.
- b. The BMP Plan means implementation and continued maintenance of effective structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge. The Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) March 2009 edition and current industry standards shall be used as necessary to maintain compliance.
- c. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.

- d. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit.
  - e. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes.
  - f. All construction and worker debris (e.g., trash, garbage, etc.) must be immediately removed and disposed of in an approved manner. No rubbish, trash garbage, refuse, or other such materials shall be discharged into waters of the State of Alabama.
  - g. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.
  - h. All materials used as fill for construction purposes must be non-toxic, non-acid forming and free of solid waste or other debris unless approved by the Department.
  - i. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
  - j. Bear the signature of the landfill manager or corporate official.
3. Compliance Schedule: The permittee shall have prepared and fully implemented the BMP upon the date coverage is granted.
4. Department Review
- a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.
  - b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.
  - c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.
5. Administrative Procedures
- a. A copy of the BMP shall be maintained at the landfill and shall be available for inspection by representatives of the Department.
  - b. A log of the twice per week inspections required above shall be maintained at the landfill and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed and any corrective actions taken for the last three years and each entry shall be signed by the person performing the inspection.
  - c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.
  - d. **BMP Plan Modification.** The permittee shall amend the BMP plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.

## **C. DISCHARGE(S) TO IMPAIRED WATERS REQUIREMENTS**

### **1. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharge(s) to 303(d) Listed Waters**

This permit does not authorize new sources or new dischargers of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA-established TMDL and/or on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

- a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.C., if its discharge does not meet this criterion, Part IV.C. does not apply to the facility.
- b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30<sup>th</sup> of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.
- c. If the facility discharges to a waterbody described above, it must also determine whether a total maximum daily load (TMDL) has been developed and established or approved by EPA for the listed waterbody. If a TMDL is established or approved during this permit cycle by USEPA for any waterbody into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of storm water discharges. By April 30<sup>th</sup> of the following year or within 6 months of such approval of the applicable TMDL or establishment of TMDL by EPA (whichever is longer), the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL. Revised BMP plans must be submitted to the Department for review. The facility must include a monitoring component in the BMP plan to assess the effectiveness of the BMPs in achieving the allocations. If the facility cannot ensure its discharges will not cause or contribute to impairment, then the facility must apply for and obtain permit coverage under an individual permit.

### **2. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharges into Waters with EPA-Approved or EPA-Established TMDLs**

- a. The facility must determine whether the EPA-approved or EPA-Established TMDL is for a pollutant likely to be found in discharges from its facility.
- b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.
- c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocation provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.
- d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.

- e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.C.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.
- f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.C.2.d.-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.C.2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

3. Requirements for New or Revised BMP Plans

New or revised BMP plans developed in accordance with Parts IV.C.1 and IV.C.2 above must be submitted to the Department for review by April 30<sup>th</sup> of the year following EPA approval of the 303(d) list or applicable TMDL or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer).

LANCE R. LEFLEUR  
DIRECTOR



ROBERT J. BENTLEY  
GOVERNOR

Alabama Department of Environmental Management  
adem.alabama.gov

1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

JAN 31 2012

ERNEST KAUFMANN PRESIDENT  
PERRY COUNTY ASSOCIATES, LLC  
132 RIVERSTONE TERRACE, SUITE 103  
CANTON GA 30114

RE: Administrative Correction for Arrowhead Landfill  
Route 2, Box 110 A  
Uniontown, AL 36786  
Perry County (105)

Dear Mr. Kaufmann:

Due to an Administrative correction, ALG160167 has been modified. The permit reissuance coverage letter dated January 17, 2012 incorrectly stated the permittee name as Perry County Associates Landfill, LLC. This letter is to inform you that a change has been made to correctly show the permittee name as **Perry County Associates, LLC**. All other information for the permit remains the same. Coverage under **General NPDES Permit Number ALG160167** is granted. The effective date of modification coverage is February 1, 2012.

Coverage under this permit does not authorize the discharge of any pollutant or wastewater that is not specifically identified in the permit and by the Notice of Intent which resulted in the granting of coverage. Those discharges identified in the NOI are:

Discharges	Receiving Waters
DSN001-1	Unnamed Tributary to Tayloe Creek
DSN001-2	Unnamed Tributary to Tayloe Creek
DSN003-1	Unnamed Tributary to Tayloe Creek

You are responsible for compliance with all provisions of the permit including but not limited to, the performance of any monitoring, the submittal of any reports, and the preparation and implementation of any plans required by the permit.

Within 180 days of coverage under this permit, permittees must apply for participation in the E-DMR system in accordance with Permit Condition I. C. 1. c. To participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes>

If you discharge to an impaired waterway, additional Best Management Practices (BMPs) will be required. The Alabama Department of Environmental Management encourages you to exercise pollution prevention practices and alternatives at your facility. Pollution prevention will assist you in complying with effluent limitations and permit regulations.

A copy of the General NPDES Permit under which coverage of your discharges has been granted was previously emailed to you. If you have any questions concerning this permit, please contact Dodi Moseley by email at [dbmoseley@adem.state.al.us](mailto:dbmoseley@adem.state.al.us) or by phone at (334) 271-7725.

Sincerely,

Glenda L. Dean  
Chief  
Water Division

Encl: Permit

File: NOI/17668

**Birmingham Branch**  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

**Decatur Branch**  
2715 Sandlin Road, S.W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)



**Mobile Branch**  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)

**Mobile-Coastal**  
4171 Commanders Drive  
Mobile, AL 36615-1421  
(251) 432-6533  
(251) 432-6598 (FAX)

# ADEM

ALABAMA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM GENERAL PERMIT

DISCHARGE AUTHORIZED: STORM WATER RUNOFF, **NOT** CONTAINING LEACHATE, FROM ACTIVE AND INACTIVE LANDFILLS; FROM TRANSFER STATIONS INCLUDING STORM WATER RUNOFF FROM LAND DISTURBANCE ACTIVITIES ASSOCIATED WITH OPENING AND CLOSING CELLS AT LANDFILLS; EXTERIOR VEHICLE AND EQUIPMENT WASH WATER; AND STORM WATER FROM PETROLEUM STORAGE AND HANDLING, EQUIPMENT STORAGE, AND MAINTENANCE AREAS

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALG160167

RECEIVING WATERS: ALL WATERS OF THE STATE NOT DESIGNATED OUTSTANDING NATIONAL RESOURCE WATER, OUTSTANDING ALABAMA WATER, OR TREASURED ALABAMA LAKE

*In accordance with and subject to the provisions of Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, **Code of Alabama 1975**, §§22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, **Code of Alabama 1975**, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the dischargers covered by this permit are hereby authorized to discharge into the above receiving waters.*

ISSUANCE DATE: October 31, 2011

EFFECTIVE DATE: February 1, 2012

EXPIRATION DATE: January 31, 2017

  
Alabama Department of Environmental Management



## LANDFILL GENERAL PERMIT

### TABLE OF CONTENTS

#### PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

- A. Discharge Limitations and Monitoring Requirements
- B. Discharge Monitoring and Record Keeping Requirements
  - 1. Representative Sampling
  - 2. Test Procedures
  - 3. Recording of Results
  - 4. Records Retention and Production
  - 5. Monitoring Equipment and Instrumentation
- C. Discharge Reporting Requirements
  - 1. Reporting of Monitoring Requirements
  - 2. Noncompliance Notification
- D. Other Reporting and Notification Requirements
  - 1. Anticipated Noncompliance
  - 2. Termination of Discharge
  - 3. Updating Information
  - 4. Duty to Provide Information
  - 5. New or Increased Discharges
- E. Schedule of Compliance

#### PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

- A. Requirement for Coverage Under This General Permit
  - 1. Notice of Intent
  - 2. Content of Notice of Intent
- B. Operational and Management Requirements
  - 1. Facilities Operation and Maintenance
  - 2. Best Management Practices
  - 3. Spill Prevention, Control, and Management
- C. Other Responsibilities
  - 1. Duty To Mitigate Adverse Impact
  - 2. Right of Entry and Inspection
- D. Bypass and Upset
  - 1. Bypass
  - 2. Upset
- E. Duty to Comply with Permit, Rules, and Statutes
  - 1. Duty to Comply
  - 2. Removed Substances
  - 3. Loss or Failure of Treatment Facilities
  - 4. Compliance with Statutes and Rules
- F. Permit Transfer, Modification, Suspension, Revocation, Reissuance, and Termination
  - 1. Duty to Reapply or Notify of Intent to Cease Discharge
  - 2. Change in Discharge
  - 3. Transfer of Permit
  - 4. Permit Modification, Revocation and Reissuance (of Modified General or Individual), and Termination
  - 5. Issuance of an Individual Instead of a General Permit
  - 6. Request for Individual Permit by General Permit Holder
  - 7. Request for Permit Action Does Not Stay Any Permit Requirement
- G. Compliance with Toxic Pollutant Standard or Prohibition
- H. Discharge of Wastewater Generated by Others

#### PART III OTHER PERMIT CONDITIONS

- A. Civil and Criminal Liability
- B. Oil and Hazardous Substance Liability
- C. Property and Other Rights
- D. Availability of Reports
- E. Compliance With Water Quality Standards
- F. Groundwater
- G. Definitions
- H. Severability

#### PART IV ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

- A. Storm Water Measurement and Sampling
- B. Best Management Practices (BMP) Plan
- C. Discharges to Impaired Waters Requirements

**LANDFILL GENERAL PERMIT LIMITS**  
**GENERAL NPDES PERMIT NUMBER ALG160000**  
**PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN001: All storm water discharges which do not contain leachate from active or inactive landfills, from transfer stations; including land disturbance activities associated with opening and closing cells at landfills.**

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS 1/ 2/ 3/	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/6 months	<u>4/</u>
pH	s.u.	Monitor	Monitor	1/6 months	Grab
Biochemical Oxygen Demand, 5-day	mg/l	-	Monitor	1/6 months	Grab
Chemical Oxygen Demand	mg/l	-	Monitor	1/year	Grab
Cadmium, Total	mg/l	-	Monitor	1/6 months	Grab
Chromium, Total	mg/l	-	Monitor	1/6 months	Grab
Copper, Total	mg/l	-	Monitor	1/6 months	Grab
Oil and Grease	mg/l	-	15	1/6 months	Grab
Settleable Solids <u>5/7/</u>	ml/l	-	Monitor	1/6 months <u>7/</u>	Grab
Total Dissolved Solids	mg/l	-	Monitor	1/6 months	Grab
Total Suspended Solids	mg/l	-	Monitor	1/6 months	Grab
Downstream Turbidity <u>5/ 6/7/</u>	ntus	-	<u>6/</u>	1/6 months <u>7/</u>	Grab
Upstream Turbidity <u>5/ 6/7/</u>	ntus	-	Monitor	1/6 months <u>7/</u>	Grab

**THERE SHALL BE NO DISCHARGE OF A VISIBLE OIL SHEEN, FLOATING SOLIDS, OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.**

- 1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment
- 2/ Semiannual monitoring shall be performed during the first complete January – June or July – December period following authorization under this permit and during each subsequent six (6) month period. The annual parameter may be taken during the first or second six months of the monitoring period, but must be taken if there is a full six month period or more remaining in the monitoring period. The annual parameter result is reported on the semiannual form that is applicable to the date the annual parameter sample was taken. For the six months period that the facility did not sample the annual parameter, the facility must code the annual parameter on the semiannual electronic report as "9" or on the semiannual hardcopy report as "NODI=9" (monitoring is conditional not required this period). Quarterly monitoring shall be performed during the first complete January – March, April-June, July-September, or October – December period following authorization under this permit and during each subsequent three (3) month period. Monitoring reports shall be submitted semiannually so that they arrive at the Department no later than the 28th day of the month following the six (6) month monitoring period (no later than January 28 and July 28).
- 3/ A storm event is defined as 0.1 inch or greater rainfall and at least 72 hours from the previously measureable (greater than 0.1 inch rainfall) storm event. Monitoring shall be performed during the first thirty minutes of discharge (or as soon thereafter as practicable).
- 4/ See Part IV A. of the permit.
- 5/ To be monitored only when land disturbance activities (associated with opening and closing cells at landfills) are occurring. These land disturbance activities may include digging for cover material within the permitted landfill area, but not outside of that permitted area. If no such land disturbance activities are occurring, then the landfill must code the discharge monitoring report (DMR) for that period as "NODI=9" (monitoring is conditional not required this period).
- 6/ Downstream turbidity shall not exceed 50 NTUs above the upstream turbidity.
- 7/ If the permittee discharges to impaired waters as identified by an EPA-approved or EPA established TMDL and/or on the State of Alabama's 303(d) list, then settleable solids, downstream turbidity, and upstream turbidity must be monitored quarterly instead of semi-annually. ADEM reserves the right to require the permittee to obtain an individual permit for any of the reasons listed in Part II. F. 5. a. (1) through (9) of the permit.

**LANDFILL GENERAL PERMIT LIMITS  
GENERAL NPDES PERMIT ALG160000  
PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN002: Storm water runoff from petroleum storage and fueling areas. 7/**

Such discharge shall be limited and monitored by the permittee as specified below:

EFFLUENT CHARACTERISTIC	UNITS	DISCHARGE LIMITATIONS		MONITORING REQUIREMENTS <u>1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Rainfall	inches	-	Monitor	1/quarter	<u>2/</u>
pH	s.u.	Monitor	Monitor	1/quarter	Grab
Benzene <u>3/</u>	µg/l	-	15.5	1/quarter	Grab
Ethylbenzene <u>4/</u>	µg/l	-	1,244	1/quarter	Grab
Toluene <u>5/</u>	µg/l	-	8,723	1/quarter	Grab
Xylene	µg/l	-	Monitor	1/quarter	Grab
Naphthalene <u>6/</u>	µg/l	-	620	1/quarter	Grab
Oil and Grease	mg/l	-	15	1/quarter	Grab
MTBE (Methyl Tertiary Butyl Ether)	µg/l	-	Monitor	1/quarter	Grab

**THERE SHALL BE NO DISCHARGE OF DEBRIS. THE DISCHARGE SHALL HAVE NO SHEEN, AND THERE SHALL BE NO DISCHARGE OF VISIBLE OIL, FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS**

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

2/ See Part IV.A.

3/ The limit for benzene shall be 1.12 µg/l if the discharge is to a body of water which is designated as a public water supply (PWS) or within a 24 hour travel time to a body of water designated as a PWS.

4/ The limit for ethylbenzene shall be 448 µg/l if the discharge is to a body of water which is designated as a PWS or within a 24 hour travel time to a body of water designated as a PWS.

5/ The limit for toluene shall be 1,206 µg/l if the discharge is to a body of water which is designated as a PWS or within a 24 hour travel time to a body of water designated as a PWS.

6/ To be monitored only at facilities which handle diesel fuel, aviation fuel, or jet fuel.

7/ If fueling operations are the only industrial activities occurring within the drainage area, then DSN003 applies for the discharge, unless the Department deems it necessary to require monitoring under DSN002 in addition to DSN003.

PART I

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application:

**DSN003: Uncontaminated storm water from equipment maintenance and storage and petroleum storage and handling areas.**

Such discharges shall be limited and monitored by the permittee as specified below:

1. The facility will have a valid SPCC plan pursuant to 40 CFR Part 112.
2. Best Management Practices (BMP) will be used to prevent pollution of storm water by spillage or leakage during petroleum handling operations and from equipment maintenance and storage areas. The BMP shall include at a minimum:
  - a. Twice per week inspections of the area and removal of any leaked petroleum product;
  - b. Immediate cleanup of spilled or leaked petroleum product during handling operations, including fueling; and
  - c. All cleanup activities shall be conducted using dry sweep or other approaches that do not result in the creation of polluted wastewater or storm water runoff.
3. Records shall be maintained in the form of a log and shall contain the following information, as a minimum:
  - a. Date and time of twice per week inspections;
  - b. Any cleanup accomplished as a result of the inspections;
  - c. Time the cleanup was initiated and the time it was completed;
  - d. Initials of person making visual inspection and performing any cleanup; and
  - e. Description of any spillage occurring during petroleum handling, which shall include the date and time of the spill, estimated volume of spill, name of the person observing the spill, date and time the spill was cleaned up, and name of the person cleaning up the spill.
4. Best Management Practices (BMP) are used in draining the diked area. BMP is defined as use of a portable oil skimmer or similar device or the use of an absorbant material to remove oil and grease (as indicated by the presence of a sheen) immediately prior to draining.
5. Monitoring records for dike drainage shall be maintained in the form of a log and shall contain the following information, at a minimum:
  - a. Date and time of discharge;
  - b. Estimated volume of discharge;
  - c. Initials of person making visual inspection and authorizing the discharge.
6. The discharge shall have no sheen, and there shall be no discharge of visible oil, floating solids or visible foam in other than trace amounts.
7. The permittee shall submit an **ANNUAL CERTIFICATION** by January 28th that all discharges, during the preceding year, associated with the above were in accordance with the conditions of the permit.

**LANDFILL GENERAL PERMIT LIMITS  
GENERAL NPDES PERMIT NUMBER ALG160000  
PART I**

**PART I**

**A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS**

During the period beginning on the effective date of this permit and lasting through the expiration date of this permit, the permittee is authorized to discharge from the following point source(s) outfall(s), described more fully in the permittee's application.

**DSN004: Exterior vehicle, automobile, and equipment exterior washing operations that DO NOT use solvents and have NOT come in direct contact with solid waste at the landfill facility. 3/**

Such discharge shall be limited and monitored by the permittee as specified below:

<u>EFFLUENT CHARACTERISTIC</u>	<u>UNITS</u>	<u>DISCHARGE LIMITATIONS</u>		<u>MONITORING REQUIREMENTS 1/</u>	
		Daily Minimum	Daily Maximum	Measurement Frequency	Sample Type
Flow	gal/day	-	Monitor	1/week	Instantaneous <u>2/</u>
pH	s.u.	6.0	8.5	1/month	Grab
Oil and Grease	mg/l	-	15	1/month	Grab
Phosphorus, Total	mg/l	-	1.0	1/month	Grab
Total Suspended Solids	mg/l	-	50	1/month	Grab

1/ Samples collected to comply with the monitoring requirements specified above shall be collected at the following location: At the nearest accessible location just prior to discharge and after final treatment.

2/ If flows are intermittent the flow volume may be estimated.

3/ This permit does not allow for the discharge of landfill wastewater as defined by 40 CFR Part 445.2 (f).

PART I

A. DISCHARGE MONITORING REQUIREMENTS APPLICABLE TO ALL DISCHARGES

Monitoring of one storm water outfall within designed drainage area as representative of the remaining outfalls, may be allowed if the applicant submits certification that the discharges are essentially the same. If at a later date the discharges are determined to be dissimilar or if pollutant concentrations are such that water quality standards are contravened, then monitoring of all discharges may be required.

This permit does not allow for the discharge of landfill wastewater as defined by 40 CFR Part 445.2 (f).

## **B. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS**

### **1. Representative Sampling**

Samples and measurements taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this permit.

### **2. Test Procedures**

For the purpose of reporting and compliance, permittees shall use the Minimum Level (ML) as established by EPA. All analytical values at or above the ML shall be reported as the measured value. Values below the ML shall be reported as "0". Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136 and guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h). If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this permit the permittee shall use the newly approved method.

For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the permittee during permit issuance, reissuance, modification, or during compliance schedule.

When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

### **3. Recording of Results**

For each measurement or sample taken pursuant to the requirements of this permit, the permittee shall record the following information:

- a. The facility name and location, point source number, date, time and exact place of sampling;
- b. The name(s) of person(s) who obtained the samples or measurements;
- c. The dates and times the analyses were performed;
- d. The name(s) of the person(s) who performed the analyses;
- e. The analytical techniques or methods used, including source of method and method number; and
- f. The results of all required analyses.

### **4. Records Retention and Production**

- a. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by the permit, and records of all data used to complete the above reports or the application for this permit, for a period of at least three years from the date of the sample measurement, report or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director or his designee, the

permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records shall not be submitted unless requested.

- b. All records required to be kept for a period of three years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection. A complete copy of the permit, the Best Management Practices (BMP) Plan, most recent BMP inspection records, and, if applicable, a Spill Prevention, Control, and Countermeasures (SPCC) Plan shall be maintained at the facility. The past three years of DMRs, laboratory records, and historical BMP inspection and training records may be kept at an alternate Alabama location if approved by the Department.

#### 5. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. At a minimum, flow measurement devices shall be calibrated at least once every 12 months.

### C. DISCHARGE REPORTING REQUIREMENTS

#### 1. Reporting of Monitoring Requirements

- a. This permit requires twice monthly, monthly, quarterly, and semiannual self monitoring. The permittee shall conduct the required monitoring in accordance with the following schedule:

**MONITORING REQUIRED MONTHLY AND MORE FREQUENTLY THAN MONTHLY** shall be conducted during the first full month following the effective date of initial coverage under this permit and every month thereafter.

**QUARTERLY MONITORING** shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The permittee shall conduct the quarterly monitoring during the first full quarter following the effective date of initial coverage and each quarter thereafter.

**SEMI-ANNUAL MONITORING** shall be conducted at least once during the period of January through June and at least once during the period of July through December. The permittee shall conduct the semi-annual monitoring during the first complete six-month period following the effective date of initial coverage and each six-month period thereafter.

**ANNUAL MONITORING** shall be conducted at least once during the period of January through December. If six or more months are remaining in the first monitoring period after initial coverage, the annual monitoring shall be conducted and then once each twelve-month period thereafter.

- b. The permittee shall submit discharge monitoring reports (DMRs) on the forms provided by the Department and in accordance with the following schedule:

**REPORTS OF MORE FREQUENTLY THAN MONTHLY, MONTHLY, QUARTERLY, AND SEMI-ANNUAL MONITORING** shall be submitted on a semiannual basis. The semiannual reports shall be submitted so that they are received by the Department no later than the 28<sup>th</sup> day of July and the 28<sup>th</sup> day of January and each submittal shall report results of all testing performed during the six month period preceding the reporting month. For example, the semiannual report due on January 28 should report the results of testing conducted during the months of July through December.

**REPORTS OF ANNUAL TESTING** shall be submitted on an annual basis. The annual reports shall be submitted so that they are received by the Department no later than the 28<sup>th</sup> day of January and each submittal shall report results of all annual testing performed during the twelve month period preceding the reporting month. For example, the annual report due on January 28



should report the results of testing conducted during the previous months of January through December.

- c. The Department is utilizing a web-based electronic environmental (E2) reporting system for submittal of DMRs. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. If the permittee is not already participating in the E-DMR system, within 180 days of coverage under this permit, permittees must apply for participation in the E-DMR system unless the facility submits in writing valid justification as to why they cannot participate and the Department approves in writing utilization of hard copy DMR submittals. To participate in this program, the Permittee Participation Package may be downloaded online at <https://e2.adem.alabama.gov/npdes>. If the electronic environmental (E2) reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the E2 system is down on the 28<sup>th</sup> day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the E2 system resuming operation, the permittee shall enter the data into the E2 reporting system, unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date). If a permittee is allowed to submit via the US Postal Service, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this permit. If the permittee, using approved analytical methods as specified in Provision I. B. 2. monitors any discharge from a point source for a limited substance identified in Provision I. A. of this permit more frequently than required by this permit, the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form and the increased frequency shall be indicated on the DMR Form. In the event no discharge from a point source identified in Provision I. A of this permit and described more fully in the permittee's application occurs during a monitoring period, the permittee shall report "No Discharge" for such period on the appropriate DMR Form.

- d. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and regulations, shall be electronically signed (or if allowed by the Department, traditionally signed) by a "responsible official" of the permittee as defined in ADEM Administrative Code Rule 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Administrative Code Rule 335-6-6-.09 and shall bear the following certification:

***"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."***

- e. All reports and forms required to be submitted by this permit, the AWPCA and the Department's Rules and being submitted via the US Postal Service, shall be addressed to:

Alabama Department of Environmental Management  
Post Office Box 301463  
Montgomery, Alabama 36130-1463  
Attention: Environmental Data Section / Information Systems Branch

- f. All submittals required by this permit shall bear identification of the permittee by permitted name and permit number.

## 2. Noncompliance Notification

- a. If for any reason, the permittee's discharge (1) does not comply with any daily minimum or maximum discharge limitation for an effluent characteristic specified in Provision I. A. of this permit which is denoted by an "(X)", (2) threatens human health or welfare, fish or aquatic life, or water quality standards, (3) does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), (4) contains a quantity of a hazardous substance which has been determined may be harmful to public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. Section 1321(b)(4), (5) exceeds any discharge limitation for an effluent characteristic as a result of an unanticipated bypass, upset, (6) is an unpermitted direct or indirect discharge of a pollutant to a water of the state (unpermitted discharges properly reported to the Department under any other requirement are not required to be reported under this provision), the permittee shall orally report the occurrence and circumstances of such discharge to the Director within 24-hours after the permittee becomes aware of the occurrence of such discharge. In addition to the oral report, the permittee shall submit to the Director electronically a report (or if acceptable to the Department a written report) as provided in Provision I. C. 2. c. no later than five (5) days after becoming aware of the occurrence of such discharge.
- b. If for any reason, the permittee's discharge does not comply with any limitation of this permit, the permittee shall submit to the Director a report as provided in Provision I. C. 2. c. below, such report shall be submitted with the next Discharge Monitoring Report required to be submitted by Provision I. C. 1. of this permit after becoming aware of the occurrence of such noncompliance.
- c. Any electronic report (or if acceptable to the Department a written report) required to be submitted to the Director by Provision I. C. 2 a. or b. shall be submitted using a copy of the Department's Noncompliance Notification Form provided with this permit and shall include the following information:
  - (1) A description of the discharge and cause of noncompliance;
  - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  - (3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

## D. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

### 1. Anticipated Noncompliance

The permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility, which may result in noncompliance with permit requirements. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

### 2. Termination of Discharge

The permittee shall notify the Director, in writing, when any point source discharges authorized by this permit have permanently ceased. This notification shall serve as sufficient cause for instituting procedures for termination of the permittees authority to discharge under this General Permit.

### 3. Updating Information

- a. The permittee shall inform the Director of any change in the permittee's mailing address or telephone number or in the permittee's designation of a facility contact or office having the authority and responsibility to prevent and abate violations of the AWPCA, the Department's Rules and the terms and conditions of this permit, in writing, no later than ten (10) days after such change. Upon request of the Director or his designee, the permittee shall furnish the Director with an update of any information provided in the Notice of Intent.

- b. If the permittee becomes aware that it failed to submit any relevant facts in the Notice of Intent, or submitted incorrect information in the Notice of Intent; or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission. This information must be submitted electronically unless acceptable to the Department to submit otherwise.
4. Duty to Provide Information
  - a. Any permittee shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for suspending or revoking the permittee's authorization to discharge under this General Permit, in whole or in part, or to determine compliance with this permit or to determine if the permittee should be required to apply for an individual permit.
  - b. Any or all permittees shall furnish to the Director, within a reasonable time, any information which the Director or his designee may request to determine whether cause exists for modifying or terminating this permit.
5. New or Increased Discharges

If there is an increase in pollution potential of the discharges from the permittee's facility the permittee must notify the Director in writing. The Director may at his discretion determine under Part II.F. of this permit what action if any will be taken.

#### **E. SCHEDULE OF COMPLIANCE**

1. The permittee shall achieve compliance with the discharge limitations specified in Provision I. A. in accordance with the following schedule:

#### **COMPLIANCE SHALL BE ACHIEVED ON THE EFFECTIVE DATE OF COVERAGE UNDER THIS PERMIT**

If required, no later than 14 calendar days following a date identified in the above schedule of compliance, the permittee shall submit either a report of progress or, in the case of specific actions being required by identified dates, a written notice of compliance or noncompliance. In the latter case, the notice shall include the cause of noncompliance, any remedial actions taken, and the probability of meeting the next scheduled requirement. This information must be submitted electronically unless acceptable to the Department to submit otherwise.

### **PART II**

#### **A. REQUIREMENTS FOR COVERAGE UNDER THIS GENERAL PERMIT**

1. Notice of Intent

Any person wishing to be permitted to discharge under this General Permit shall submit a Notice of Intent to be covered by this General Permit at least 30 days prior to the date of desired coverage. No discharge authorized under this General Permit may commence until the discharger receives the Director's acknowledgement of the Notice of Intent and approval of the coverage of the discharge by this General Permit. The Director's acknowledgement shall include a copy of this General Permit and the appropriate discharge monitoring report forms. **The permittee must complete and submit all Departmental forms available electronically, including the E-NOI, unless the permittee submits in writing valid justification as to why the electronic submittal process cannot be utilized and the Department approves in writing utilization of hard copy submittals.** Departmental forms are available on ADEM's webpage at <http://www.adem.state.al.us/DeptForms/>.

Any person discharging to a municipal storm sewer, sanitary sewer or combination sewer must notify the municipality by letter of the discharge.

## 2 Content of Notice of Intent

- a. A description of the process generating the discharge for which coverage is desired. This description shall be in sufficient detail to allow the Director to determine that the discharge is included in the category permitted by this General Permit;
- b. The latitude and longitude of the discharge points for each discharge and the name of the waterbody receiving each discharge for which coverage under this General Permit is desired; and
- c. A contact person, address and phone number for the facility or activity to be covered under this General Permit;
  - (1) A Notice of Intent shall be electronically signed (or if acceptable to the Department, traditionally signed) by a person meeting the requirements for signatories to permit application under ADEM Administrative Code Rule 335-6-6-.09 and the person signing the Notice of Intent shall make the certification required for submission of documents under ADEM Administrative Code Rule 335-6-6.09.
  - (2) Signatories to reports, discharge monitoring reports and any other submissions required by this General Permit shall be signed in accordance with the requirements of ADEM Administrative Code Rule 335-6-6.09.

## B. OPERATIONAL AND MANAGEMENT REQUIREMENTS

### 1. Facilities Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of the permit.

### 2. Best Management Practices

- a. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.
- b. The permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan in accordance with 40 CFR Part 112 if required thereby.
- c. The permittee shall prepare and implement a Best Management Practices (BMP) Plan according to Part IV of this permit.

### 3. Spill Prevention, Control, and Management

The permittee shall provide spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a water of the state or a publicly or privately owned treatment works. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and which shall prevent the contamination of groundwater and such containment system shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided.

## C. OTHER RESPONSIBILITIES

### 1. Duty to Mitigate Adverse Impacts

The permittee shall promptly take all reasonable steps to mitigate and minimize or prevent any adverse impact on human health or the environment resulting from noncompliance with any discharge limitation of

this permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as necessary to determine the nature and impact of the noncomplying discharge.

**2. Right of Entry and Inspection**

The permittee shall allow the Director, or an authorized representative, upon the presentation of proper identification to:

- a. enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the permit;
- b. have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- c. inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the permit; and
- d. sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

**D. BYPASS AND UPSET**

**1. Bypass**

- a. Any bypass is prohibited except as provided in b. and c. below:
- b. A bypass is not prohibited if:
  - (1) It does not cause any discharge limitation specified in Provision I. A. of this permit to be exceeded;
  - (2) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; or
  - (3) It is part of the storm water control system when the intention of the design, as approved by the Director, is to contain the first flush only.
- c. A bypass is not prohibited and need not meet the discharge limitations specified in Provision I. A. of this permit if:
  - (1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime (this condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgement to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance); and
  - (3) The permittee submits a written request for authorization to bypass to the Director at least ten (10) days prior to the anticipated bypass (if possible), the permittee is granted such authorization, and the permittee complies with any conditions imposed by the Director to minimize any adverse impact on human health or the environment resulting from the bypass. This request must be submitted electronically unless acceptable to the Department to submit otherwise.
- d. The permittee has the burden of establishing that each of the conditions of Provision II. D. 1. b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in a. and an exemption, where applicable, from the discharge limitations specified in Provision I. A. of this permit.

2. Upset

- a. A discharge which results from an upset need not meet the discharge limitations specified in Provision I. A. of this permit if:
  - (1) No later than 24-hours after becoming aware of the occurrence of the upset, the permittee orally reports the occurrence and circumstances of the upset to the Director or his designee; and
  - (2) No later than five (5) days after becoming aware of the occurrence of the upset, the permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, or other relevant evidence, demonstrating that (i) an upset occurred; (ii) the permittee can identify the specific cause(s) of the upset; (iii) the permittee's facility was being properly operated at the time of the upset; and (iv) the permittee promptly took all reasonable steps to minimize any adverse impact on human health or the environment resulting from the upset.
- b. The permittee has the burden of establishing that each of the conditions of Provision II D. 2. a. of this permit have been met to qualify for an exemption from the discharge limitations specified in Provision I. A. of this permit.

**E. DUTY TO COMPLY WITH PERMIT, RULES, AND STATUTES**

1. Duty to Comply

- a. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for: enforcement action, termination, or suspension of authorization under this permit; denial of a permit renewal application; a requirement that permittee submit an application for an individual NPDES permit.
- b. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of the permit shall not be a defense for a permittee in an enforcement action.
- c. The discharge of a pollutant from a source not specifically identified in the Notice of Intent to be covered under this General Permit and not specifically included in the description of an outfall in this permit is not authorized and shall constitute noncompliance with this permit.
- d. The permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this permit or to minimize or prevent any adverse impact of any permit violation.

2. Removed Substances

Solids, sludges, filter backwash, or any other pollutant or other waste removed in the course of treatment or control of storm waters and/or process water shall be disposed of in a manner that complies with all applicable Department Rules.

3. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the permittee shall, where necessary to maintain compliance with the discharge limitations specified in Provision I. A. of this permit, or any other terms or conditions of this permit, cease, reduce, or otherwise control production and/or all discharges until treatment is restored.

4. Compliance With Statutes and Rules

- a. This permit has been issued under ADEM Administrative Code, Chapter 335-6-6. All provisions of this chapter, that are applicable to this permit, are hereby made a part of this permit. A copy of

this chapter may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Boulevard, Montgomery, AL 36110.

- b. This permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

#### **F. PERMIT TRANSFER, MODIFICATION, SUSPENSION, REVOCATION, REISSUANCE, AND TERMINATION**

##### **1. Duty to Reapply or Notify of Intent to Cease Discharge**

- a. The permittee authorized to discharge under this General Permit, who wishes to continue to discharge upon the expiration of this permit, shall submit an E-NOI or Notice of Intent to be covered by the reissued General Permit. Such Notice of Intent shall be submitted at least 90 days prior to the expiration date of this General Permit.
- b. Failure of the permittee to submit the appropriate application material for reauthorization under this permit at least 90 days prior to the permit's expiration will void the automatic continuation of the authorization to discharge under this permit as provided by ADEM Administrative Code Rule 335-6-6-.06. Should the permit not be reissued for any reason prior to its expiration date, permittees who failed to meet the 90-day submittal deadline will be illegally discharging without a permit after the expiration date of the permit.

##### **2. Change in Discharge**

- a. The permittee shall give notice to the Director at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in:
  - (1) The discharge of additional pollutants;
  - (2) The increase in the quantity of any discharge such that existing permit limitations would be exceeded;
  - (3) Or that could result in an additional discharge point.

This requirement applies to pollutants that are or that are not subject to discharge limitations in this permit. No new or increased discharge may begin until the Director has reviewed the information and taken appropriate action to authorize the discharge under this General Permit, or until such time as an appropriate action has been taken to authorize the discharge under an individual permit.

- b. The permittee shall notify the Director as soon as it is known or there is reason to believe:
  - (1) That any activity has occurred or will occur which would result in the discharge on a routine or frequent basis, of any toxic pollutant which is not limited in this permit, if that discharge will exceed the highest of the following notification levels:
    - (a) One hundred micrograms per liter;
    - (b) Two hundred micrograms per liter for acrolein and acrylonitrile; five hundred micrograms per liter for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol; and one milligram per liter for antimony;
    - (c) Five times the maximum concentration value reported for that pollutant in the permit application; or
  - (2) That any activity has occurred or will occur which would result in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - (a) Five hundred micrograms per liter;

- (b) One milligram per liter for antimony;
- (c) Ten times the maximum concentration value reported for that pollutant in the permit application.

3. Transfer of Permit

This permit may not be transferred or the name of the permittee changed without notice to the Director and subsequent modification or revocation and reissuance of the permit to identify the new permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership or control of the permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership or control of the permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership or control, he may decide not to modify the existing permit and require the submission of a new permit application.

4. Permit Modification, Revocation and Reissuance (of Modified General or Individual) and Termination

- a. During the term of this General Permit the Director may, for cause, and subject to the public notice procedure of ADEM Administrative Code, Rule 335-6-6-.21, modify or revoke and reissue this General Permit, or terminate it and require all those authorized under it to apply for individual NPDES permits. The causes for this action include but are not limited to the causes listed below:
  - (1) There are material and substantial alterations or additions to the facility or activity generating the discharges which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;
  - (2) When the Director receives any information that was not available at the time of permit issuance and that would have justified the application of different permit conditions at the time of issuance;
  - (3) When the standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued;
  - (4) Upon the failure of the state to notify, as required by Section 402(b)(3) of the FWPCA, another state whose waters may be affected by a discharge;
  - (5) When the level of discharge of any pollutant which is not limited in the permit exceeds the level which can be achieved by the technology based treatment requirements appropriate to discharge under 40 CFR 125.3(c);
  - (6) To correct technical mistakes, such as errors in calculation, clerical errors or mistaken interpretations of law made in determining permit conditions;
  - (7) If the permit limitations are found not to be protective of water quality standards;
  - (8) To incorporate an applicable 307(a) FWPCA toxic effluent standard or prohibition;
  - (9) When required by the reopener conditions in this permit, and
  - (10) For any applicable cause set forth in ADEM Administrative Code Rule 335-6-6-.17.
- b. Subject to the public notice procedures of ADEM Administrative Code Rule 335-6-6-.21, the Director may terminate this General Permit during its term for any of the causes for modification listed in Part II.F.4.a.



- c. The Director may terminate authorization to discharge under this General Permit for cause. Cause shall include but not be limited to:
- (1) Noncompliance with the permit;
  - (2) Noncompliance with Department Rules;
  - (3) A finding that this General Permit does not control the discharges sufficiently to protect water quality or comply with treatment based limits applicable to the discharge;
  - (4) The permittee's misrepresentation or failure to disclose fully all relevant facts in the permit application or during the permit issuance process or the permittee's misrepresentation of any relevant facts at any time;
  - (5) Materially false or inaccurate statements or information in the permit application or the permit;
  - (6) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;
  - (7) The permittee's discharge threatens human life or welfare;
  - (8) Permanent closure of the facility generating the wastewater permitted to be discharged by this permit or permanent cessation of wastewater discharge; and
  - (9) New or revised requirements of any applicable standard or limitation that is promulgated under Sections 301(b)(2)(C),(D),(E),and (F), and 307(a)(2) of the FWPCA that the Director determines cannot be complied with by the permittee.
- d. If the permittee believes that any past or planned activity would be cause for modification or revocation and reissuance of this General Permit under ADEM Administrative Code Rule 335-6-6-23 (7), or termination and issuance of an individual permit under ADEM Administrative Code Rule 335-6-6-23 (9) the permittee must report such information to the Permit Issuing Authority. The submittal of a new application may be required of the permittee. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned change, anticipated noncompliance or application for an individual permit, does not stay any permit condition.
5. Issuance by the Director of an Individual NPDES Permit to a Person Eligible for Coverage or Covered by This General Permit.
- a. The Director may require any person, otherwise eligible for coverage under this General Permit, to apply for an individual NPDES permit by notifying that person that an application is required. Notification shall consist of a written description of the reason(s) for the decision, appropriate permit application forms and directions, a statement informing the person that upon issuance of the individual permit coverage by this General permit shall automatically terminate. Reasons for this requirement may be:
- (1) Noncompliance with the General Permit;
  - (2) Noncompliance with Department Rules;
  - (3) A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the wastewater being discharged;
  - (4) Effluent guidelines are promulgated for a point source(s) covered by the General Permit;
  - (5) A water quality management plan applicable to the wastewater being discharged under this General Permit;

- (6) Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under this General Permit or either a temporary reduction or permanent reduction or elimination of the authorized discharge is necessary;
- (7) Standards for sewage sludge use or disposal have been promulgated for the sludge use or disposal practice covered by this General Permit;
- (8) The discharge(s) is a significant contributor of pollutants. In making this decision the Director may consider:
  - (i) the location of the discharges with respect to waters of the state,
  - (ii) the size of the discharger, and
  - (iii) the quantity and nature of the pollutants discharged to waters of the state.
- (9) A determination that the water of the state receiving the discharge is not meeting applicable water quality standards.

**6. Request for an Individual NPDES Permit by a Person Covered Under This General Permit.**

- a. Any person covered by this General Permit may apply for termination of coverage by applying for an individual NPDES permit.
- b. A permit application submitted voluntarily or at the direction of the Director for the purpose of termination of coverage by this General Permit shall be processed in accordance with the rules found in ADEM Administrative Code 335-6-6 applicable to individual permits.
- c. Any person may petition the Director for withdrawal of this General Permit authority from a discharger. The Director shall consider the information submitted by the petitioner and any other information he may be aware of and may obtain additional information from the discharger and through inspections by Department staff and shall decide if coverage should be withdrawn. The petitioner shall be informed of the Director's decision and shall be provided a summary of the information considered.

**7. Request for Permit Action Does Not Stay Any Permit Requirement**

The filing of a request by the permittee for any permit action such as termination, or application for individual permit or any other action, does not stay any permit term or condition.

**G. COMPLIANCE WITH TOXIC POLLUTANT STANDARD OR PROHIBITION**

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the FWPCA, 33 U.S.C. Section 1317(a), for a toxic pollutant discharged by the permittee and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Provision I. A. of this permit, or controls a pollutant not limited in Provision I. A. of this permit, this permit shall be modified to conform to the toxic pollutant effluent standard or prohibition and the permittee shall be notified of such modification. If this permit has not been modified to conform to the toxic pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the permittee shall attain compliance with the requirements of the standard or prohibition within the time period required by the standard or prohibition and shall continue to comply with the standard or prohibition until this permit is modified or reissued.

**H. DISCHARGE OF WASTEWATER GENERATED BY OTHERS**

The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the permittee or not identified in the application for this permit or not identified specifically in the description of an outfall in this permit is not authorized by this permit.

## **PART III**

### **A. CIVIL AND CRIMINAL LIABILITY**

#### **1. Tampering**

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under the permit shall, upon conviction, be subject to penalties as provided by the AWPCA.

#### **2. False Statements**

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be subject to penalties as provided by the AWPCA.

#### **3. Permit Enforcement**

a. Any NPDES permit issued or reissued by the Department is a permit for the purpose of the AWPCA and the FWPCA and as such any terms, conditions, or limitations of the permit are enforceable under state and federal law and as described under Rule 335-6-6-.18.

b. Any person required to have a NPDES permit pursuant to ADEM Administrative Code Chapter 335-6-6 and who discharges pollutants without said permit, who violates the conditions of said permit, who discharges pollutants in a manner not authorized by the permit, or who violates applicable orders of the Department or any applicable rule or standard of the Department, is subject to any one or combination of the following enforcement actions under applicable state statutes.

- (1) An administrative order requiring abatement, compliance, mitigation, cessation, clean-up, and/or penalties;
- (2) An action for damages;
- (3) An action for injunctive relief; or
- (4) An action for penalties.

#### **4. Relief From Liability**

Except as provided in Provision II. D. 1. (Bypass) and Provision II. D. 2. (Upset), nothing in this permit shall be construed to relieve the permittee of civil or criminal liability under the AWPCA or FWPCA for noncompliance with any term or condition of this permit.

### **B. OIL AND HAZARDOUS SUBSTANCE LIABILITY**

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject under Section 311 of the FWPCA, 33 U.S.C. Section 1321.

### **C. PROPERTY AND OTHER RIGHTS**

This permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of federal, state, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the state or of the United States.

#### **D. AVAILABILITY OF REPORTS**

Except for data determined to be confidential under Code of Alabama 1975, Section 22-22-9(c), all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential.

#### **E. COMPLIANCE WITH WATER QUALITY STANDARDS**

1. The permittee may be required by the Director to apply for an individual permit, if the Director determines that discharge under this General Permit causes a violation of a water quality standard or stream use classification.
2. Compliance with permit terms and conditions notwithstanding, if the permittee's discharge(s) from point sources identified in Provision I. A. of this permit cause or contribute to a condition in contravention of state water quality standards, the Department may require the permittee to take abatement action or apply for an individual permit pursuant to the Department's Rules, or both.
3. If the Department determines, on the basis of a notice provided pursuant to this permit or any investigation, inspection or sampling, that a modification of this permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification.

#### **F. GROUNDWATER**

Unless specifically authorized by a permit issued by the Department, the discharge of pollutants to groundwater is prohibited. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem and the Director may require that the permittee undertake measures to abate any such discharge and/or contamination.

#### **G. DEFINITIONS**

1. Authorization – means granted the privilege of discharging under the terms of this General Permit.
2. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
3. Average weekly discharge limitation - means the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).
4. AWPCA - means the Alabama Water Pollution Control Act.
5. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.
6. Daily discharge - means the discharge of a pollutant measured during any consecutive 24 hour period in accordance with the sample type and analytical methodology specified by the discharge permit.
7. Daily maximum - means the highest value of any individual sample result obtained during a day.
8. Daily minimum - means the lowest value of any individual sample result obtained during a day.
9. Day - means any consecutive 24-hour period.
10. Department - means the Alabama Department of Environmental Management.

11. Director - means the Director of the Department.
12. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other wastes into waters of the state". Code of Alabama 1975, Section 22-22-1(b)(8).
13. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish reporting requirements of an NPDES permit.
14. EPA - means the United States Environmental Protection Agency.
15. FWPCA - means the Federal Water Pollution Control Act.
16. Landfill Wastewater as defined by 40 CFR Part 445.2 (f) means all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells. Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.
17. Notice of Intent – means forms and additional information that are required by ADEM Administrative Code Rule 335-6-6-.23 and applicable permit fees.
18. Permit application - means forms and additional information that is required by ADEM Administrative Code Rule 335-6-6-.08 and applicable permit fees.
19. Point source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. Section 1362(14).
20. Pollutant - includes for purposes of this permit, but is not limited to, those pollutants specified in Code of Alabama 1975, Section 22-22-1(b)(3) and those effluent characteristics specified in Provision I. A. of this permit.
21. Qualified Credentialed Professional or QCP means a professional engineer (PE), or a Certified Professional in Erosion and Sediment Control (CPESC) as determined by CPESC, Inc. Other registered or certified professionals such as registered landscape architect, registered land surveyor, registered geologist, registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals (NREP), or Certified Professional and Soil Scientist (CPSS) as determined by ARCPACS, and other Department accepted professional designations, certifications, and/or accredited university programs that can document requirements regarding proven training, relevant experience, and continuing education, that can enable recognized individuals to prepare CBMPP's to makes sound professional judgments regarding Alabama NPDES rules, the requirements of this chapter, planning, design, implementation, maintenance, and inspection of construction sites, receiving waters, BMPs, remediation/cleanup of accumulated offsite pollutants from the regulated site, and reclamation or effective stormwater quality remediation of construction associated land disturbances, that meet or exceed recognized technical standards and guidelines, effective industry standard practices, and the requirements of this chapter. The QCP shall be in good standing with the authority granting the registration or designation. The design and implementation of certain structural BMPs may involve the practice of engineering and require the certification of a professional engineer pursuant to Alabama law.
22. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
23. Shock chlorination – means the periodic use of chlorine in cooling water systems as a biocide.
24. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error,

improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

25. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, Section 22-22-1(b)(2). Waters "include all navigable waters" as defined in Section 502(7) of the FWPCA, 22 U.S.C. Section 1362(7), which are within the State of Alabama.
26. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

#### **H. SEVERABILITY**

The provisions of this permit are severable, and if any provision of this permit or the application of any provision of this permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

### **PART IV**

#### **A. STORM WATER MEASUREMENT AND SAMPLING**

1. Storm Water Measurement
  - a. All storm water samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches.
  - b. The storm water event must be monitored, including the date and rainfall (in inches) for the storm event(s) sampled. The duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event must be a minimum of 72 hours. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
  - c. During the sampling storm event, rainfall must be reported and may be measured using a rain gauge. This information must be recorded as part of the sampling procedure and records retained according to Part I.B.4.b. of this permit.
2. Storm Water Sampling
  - a. A grab sample, if required by this permit, shall be taken during the first thirty minutes of the discharge (or as soon thereafter as practicable); and a flow weighted composite sample, if required by this permit, shall be taken for the entire event or for the first three hours of the event.
  - b. All test procedures will be in accordance with Part I.B.2. of this permit.

#### **B. BEST MANAGEMENT PRACTICES (BMP) PLAN**

1. Plan Content for Landfill Activities: The permittee shall prepare (or as required have a QCP prepare) and implement a best management practices (BMP) plan which shall:
  - a. Provide control sufficient to prevent or control pollution of storm water by soil particles to the degree required to prevent violation of the turbidity water quality standard applicable to the waterbody receiving the discharge;

- b. Prevent the spillage or loss of fluids, oil, grease, gasoline, etc. from vehicle and equipment maintenance and repair activities and thereby prevent the contamination of storm water from these substances;
- c. Prevent or minimize the storm water contact with material stored on site;
- d. Designate by position or name the person or persons responsible for the day to day implementation of the BMP;
- e. Provide for at a minimum, two inspections a week, on days during which the facility is manned, of any structures that function to prevent storm water pollution or to remove pollutants from storm water and of the facility in general to ensure that the BMP is continually implemented and effective;
- f. If spillage is a factor during loading and unloading of bulk material, provide for prevention of the mixing of spillage with discharged storm water;
- g. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
- h. Prevent the pollution of storm water by animal wastes;
- i. Bear the signature of the landfill manager or corporate official;
- j. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit;
- k. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes;
- l. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.

## 2. Plan Content for Construction Activities

- a. A Qualified Credentialed Professional must prepare the BMP Plan that addresses the land disturbance activities. Permittee shall implement a BMP Plan describing structural and non-structural practices which will be implemented and maintained to prevent/minimize the discharge of all sources of pollution (i.e., sediment, trash, garbage, debris, oil & grease, chemicals, materials, etc.) to State waters in storm water runoff. The Plan must be designed to address the following goals: (1) to divert upslope water around the site; (2) to limit the exposure of disturbed areas to precipitation to the shortest amount of time possible; (3) to minimize the amount of surface area that is disturbed; and (4) to remove sediment, nutrients, and other pollutants from the storm water before it leaves the site.
- b. The BMP Plan means implementation and continued maintenance of effective structural and non-structural practices and management strategies to prevent and minimize the introduction of pollutants to stormwater and to treat stormwater to remove pollutants prior to discharge. The Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management on Construction Sites and Urban Areas, Alabama Soil and Water Conservation Committee (ASWCC) March 2009 edition and current industry standards shall be used as necessary to maintain compliance.
- c. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director or his designee has granted prior written authorization for dilution to meet water quality requirements.

- d. The permittee must implement measures to ensure permanent revegetation or cover of all disturbed areas. The permittee shall perform regular clean-up and proper disposal of floating or submerged trash and garbage resulting from activities authorized by this permit.
  - e. The permittee shall implement, as necessary, a system for the collection, storage, treatment, and disposal of sewage and other putrescible wastes.
  - f. All construction and worker debris (e.g., trash, garbage, etc.) must be immediately removed and disposed of in an approved manner. No rubbish, trash garbage, refuse, or other such materials shall be discharged into waters of the State of Alabama.
  - g. Appropriate measures must be taken to prevent the deposition of airborne pollutants such as spray paint, herbicides, excessive road dust, etc. from entering any waterbody.
  - h. All materials used as fill for construction purposes must be non-toxic, non-acid forming and free of solid waste or other debris unless approved by the Department.
  - i. Include a diagram of the facility showing the direction of the storm water flow, the discharge point(s), and the locations of any structures or other mechanisms intended to prevent pollution of storm water or to remove pollutants from storm water, the locations of any collection and handling systems. The site map should also identify the location, size, and contents of any tanks.
  - j. Bear the signature of the landfill manager or corporate official.
3. Compliance Schedule: The permittee shall have prepared and fully implemented the BMP upon the date coverage is granted.
4. Department Review
- a. When requested by the Director or his designee, the permittee shall make the BMP available for Department review.
  - b. The Director or his designee may notify the permittee at any time that the BMP is deficient and require correction of the deficiency.
  - c. The permittee shall correct any BMP deficiency identified by the Director or his designee within 30 days of receipt of notification and shall certify to the Department that the correction has been made and implemented.
5. Administrative Procedures
- a. A copy of the BMP shall be maintained at the landfill and shall be available for inspection by representatives of the Department.
  - b. A log of the twice per week inspections required above shall be maintained at the landfill and shall be available for inspection by representatives of the Department. The log shall contain records of all inspections performed and any corrective actions taken for the last three years and each entry shall be signed by the person performing the inspection.
  - c. The permittee shall provide training for any personnel required to implement the BMP and shall retain documentation of such training at the facility. This documentation shall be available for inspection by representatives of the Department. Training shall be performed prior to the date that implementation of the BMP is required.
  - d. **BMP Plan Modification**. The permittee shall amend the BMP plan whenever there is a change in the facility or change in operation of the facility which materially increases the potential for the ancillary activities to result in a discharge of significant amounts of pollutants.



**C. DISCHARGE(S) TO IMPAIRED WATERS REQUIREMENTS**

**1. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharge(s) to 303(d) Listed Waters**

This permit does not authorize new sources or new dischargers of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified by an EPA-approved or EPA-established TMDL and/or on the State of Alabama's 303(d) list. Pollutants of concern are those pollutants for which the water body is listed as impaired and which contribute to the listed impairment.

- a. The facility eligible for coverage, or covered, under this permit must determine whether its discharge(s) contributes directly or indirectly to a waterbody that is included on the latest 303(d) list or otherwise designated by the Department as impaired or is included in an EPA-approved or EPA-established TMDL. If the facility has discharges meeting this criterion, it must comply with Part IV.C., if its discharge does not meet this criterion, Part IV.C. does not apply to the facility.
- b. Facilities that discharge into a receiving water which is listed on the State of Alabama's 303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waterbody is impaired, must by April 30<sup>th</sup> of the following year or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer), document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.
- c. If the facility discharges to a waterbody described above, it must also determine whether a total maximum daily load (TMDL) has been developed and established or approved by EPA for the listed waterbody. If a TMDL is established or approved during this permit cycle by USEPA for any waterbody into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of storm water discharges. By April 30<sup>th</sup> of the following year or within 6 months of such approval of the applicable TMDL or establishment of TMDL by EPA (whichever is longer), the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL. Revised BMP plans must be submitted to the Department for review. The facility must include a monitoring component in the BMP plan to assess the effectiveness of the BMPs in achieving the allocations. If the facility cannot ensure its discharges will not cause or contribute to impairment, then the facility must apply for and obtain permit coverage under an individual permit.

**2. Requirements Applicable to a Facility Eligible for Coverage, or Covered, under this Permit with Discharges into Waters with EPA-Approved or EPA-Established TMDLs**

- a. The facility must determine whether the EPA-approved or EPA-Established TMDL is for a pollutant likely to be found in discharges from its facility.
- b. The facility must determine whether the TMDL includes a pollutant allocation or other performance requirements specifically for discharges from its facility.
- c. If, after the determinations above have been made and if it is determined that the facility must implement specific allocation provisions of the TMDL, then the facility must assess whether the allocations are being met through implementation of existing control measures or if additional control measures are necessary.
- d. The facility must document all control measures currently being implemented or planned to be implemented, to include a schedule of implementation for all planned controls, and must document calculations or other evidence showing that the allocations will be met. Revised BMP plans must be submitted to the Department for review.

- e. If a TMDL contains requirements for control of pollutants from the facility's discharges, then the BMP plan must include BMPs specifically targeted to achieve the allocations prescribed by the TMDL. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan. Implementation of the monitoring plan in accordance with Part IV.C.2 will determine whether the controls are adequate to meet the TMDL allocations. If the facility cannot comply with the requirements of the TMDL, then the facility must apply for and obtain permit coverage under an individual permit.
- f. If the evaluation shows that additional or modified controls are necessary, the facility must describe the type and schedule for the control additions/revisions in the BMP plan. The facility must also continue Paragraphs IV.C.2.d.-f. until two continuous monitoring cycles, as defined in the monitoring plan in accordance with Part IV.C.2., show that the TMDL allocations are being met or that water quality (WQ) standards are being met.

### 3. Requirements for New or Revised BMP Plans

New or revised BMP plans developed in accordance with Parts IV.C.1 and IV.C.2 above must be submitted to the Department for review by April 30<sup>th</sup> of the year following EPA approval of the 303(d) list or applicable TMDL or within 6 months of such approval of the 303(d) list or applicable TMDL or establishment of TMDL by EPA (whichever is longer).

# Untitled Map

Write a description for your map.

Legend

1

21

Google earth

N

600 ft

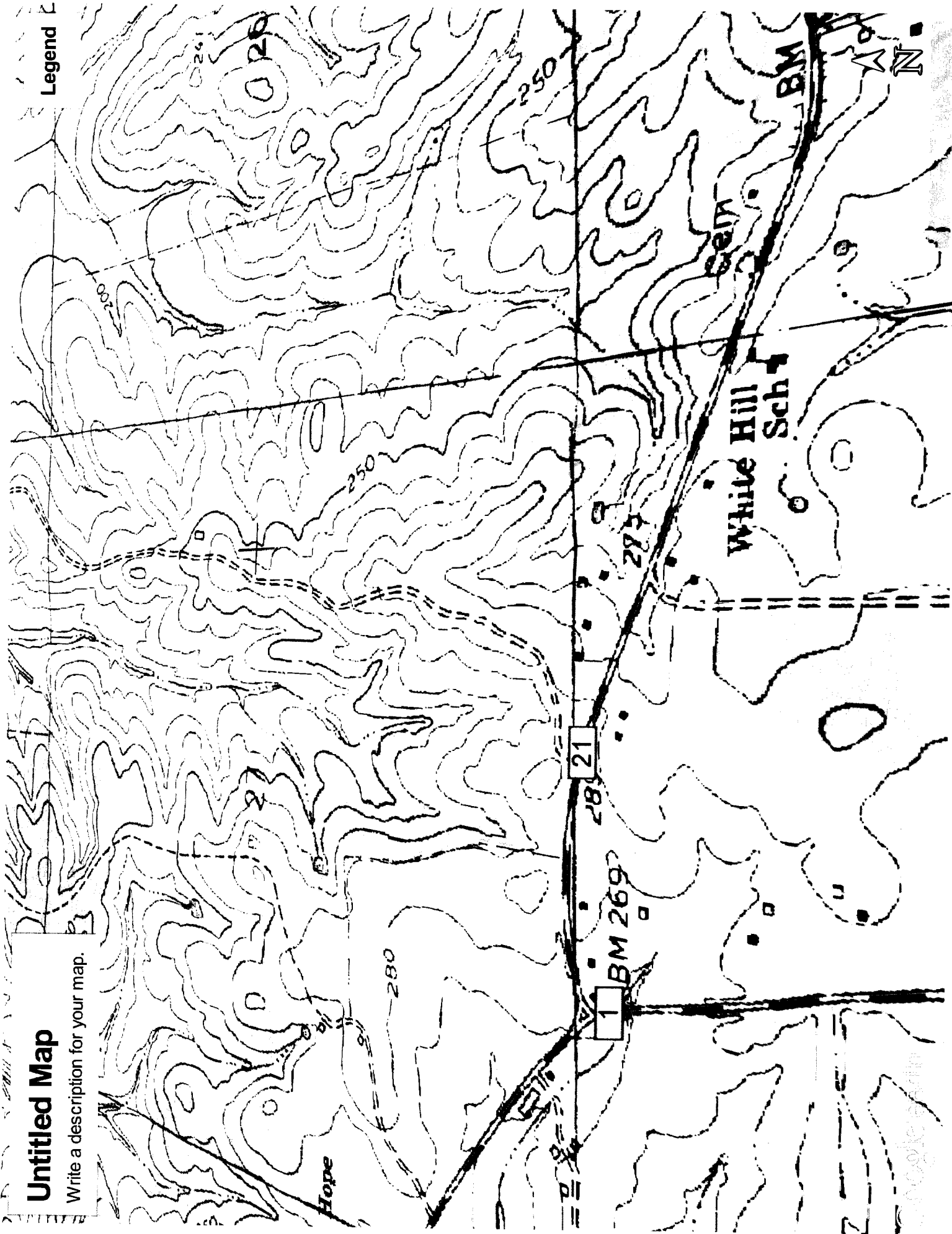




# Untitled Map

Write a description for your map.

Legend

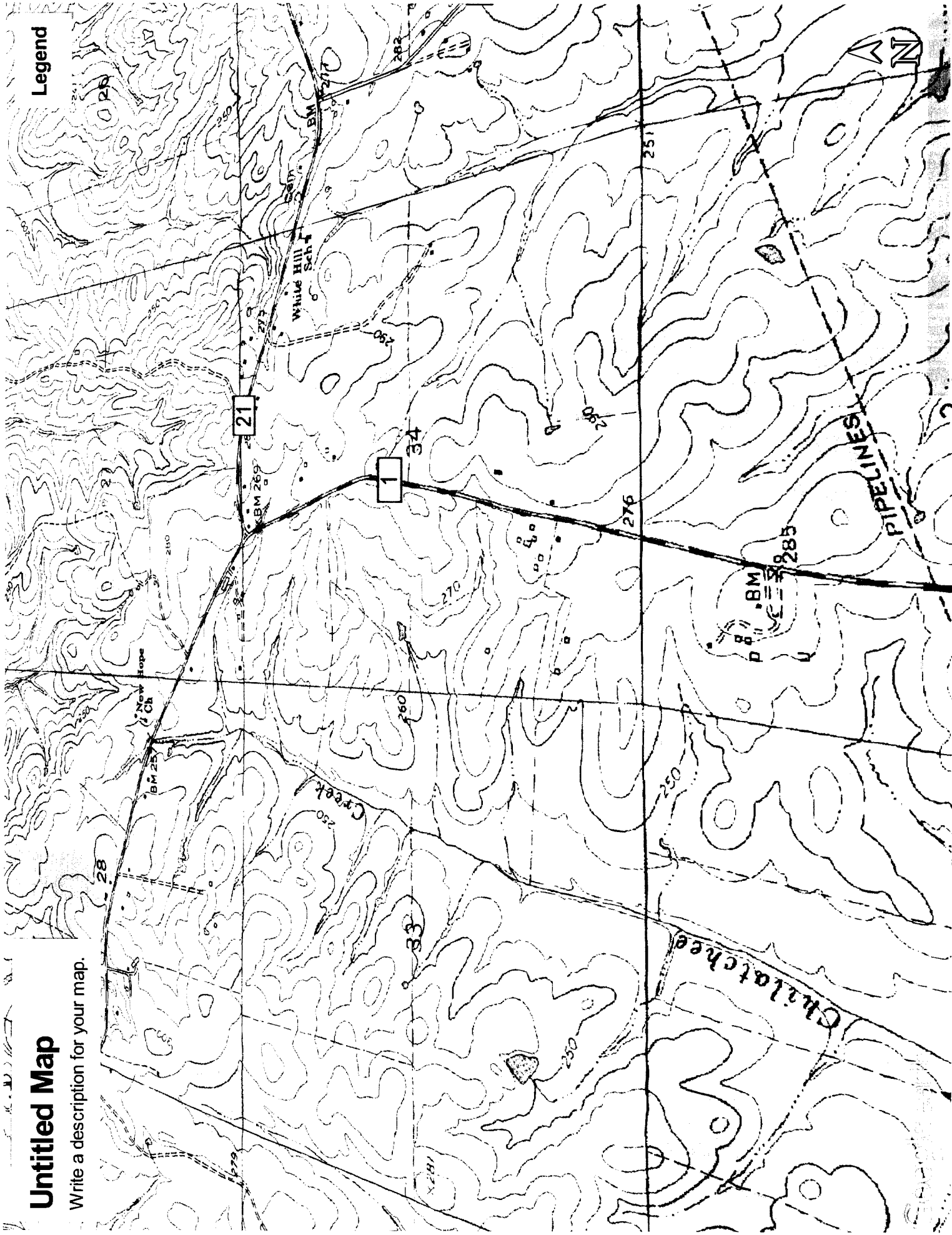




# Untitled Map

Write a description for your map.

## Legend







**Pearce, Jennifer**

---

**From:** Guzman, Humberto  
**Sent:** Thursday, December 10, 2015 6:57 AM  
**To:** Warren, Lee  
**Cc:** Olone, Dan; Jones, Laurie  
**Subject:** RE: Arrowhead Landfill

Thank you for the information, Lee.

Humberto

**From:** Warren, Lee [mailto:DLW@adem.state.al.us]  
**Sent:** Wednesday, December 09, 2015 5:10 PM  
**To:** aracoordinator@gmail.com  
**Cc:** Stearns, Brad <BLS@adem.state.al.us>; Dean, Glenda <GLD@adem.state.al.us>; Guzman, Humberto <Guzman.Humberto@epa.gov>  
**Subject:** Arrowhead Landfill

Mr. Johnston,

**RE:** Perry County Associates LLC  
Arrowhead Landfill - NPDES Permit Number ALG160167  
622 Tayloe Road  
Uniontown, AL 36786  
Perry County (105)

What's the result of the most recent Inspector's report?

The most recent, 11/13/15, NPDES inspection report is in ADEM's e-File under ALG160167. Below is a link to the e-File system:

<http://app.adem.alabama.gov/eFile/>

Why is the landfill continuing to have unpermitted discharges and ADEM not issuing any permit violations?

The drainage area that the Department believes you are referencing has been evaluated and it does not currently appear to have industrial storage/industrial activities occurring; therefore, the outfall would not require NPDES permitting. Prior to an inspection of this area, Department personnel contacted you to determine the location of your complaint. If you believe the Department has not observed the area of your concern, please provide a map with the indicated area or the actual latitudinal / longitudinal coordinates for the Department's review.

Is ADEM giving all callers who are complaining of this landfill a complaint number?

Typically, each identified complainant is assigned a complaint number. Every online complaint receives a unique complaint number. However, if multiple complaints are received via telephone or via mail with the same pertinent information, they may be grouped under one complaint number for more efficient handling.

Are you able to visit the site yourself?

There have been multiple NPDES Permit inspections (4/17/15 and 11/13/15) conducted this year which are available for public review on the Department's e-File system.

When will the landfill stop violating its permit?

The Water Division is not aware of any NPDES compliance issues which have not been addressed.

Lee Warren  
Chief, Industrial General Permit Section  
Industrial / Municipal Branch  
Water Division  
Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110  
[dlw@adem.state.al.us](mailto:dlw@adem.state.al.us)  
(334) 271-7845



*Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).*

**From:** [aracoordinator@gmail.com](mailto:aracoordinator@gmail.com) [mailto:[aracoordinator@gmail.com](mailto:aracoordinator@gmail.com)] **On Behalf Of** Adam Johnston  
**Sent:** Monday, December 07, 2015 4:13 PM  
**To:** Dean, Glenda; Stearns, Brad  
**Subject:** Continued runoff at Arrowhead

Dear ADEM,

Attached is a recent video from last Friday, December 4th, from the Arrowhead Landfill. There has been many days this landfill has been overflowing. I have a few questions for you:

What's the result of the most recent Inspector's report?

Why is the landfill continuing to have unpermitted discharges and ADEM not issuing any permit violations?

Is ADEM giving all callers who are complaining of this landfill a complaint number?

Are you able to visit the site yourself?

When will the landfill stop violating its permit?

--

**Adam Johnston**

Alabama Rivers Alliance  
Alliance Coordinator  
[www.alabamarivers.org](http://www.alabamarivers.org)

2014 6th Ave North, Suite 200  
Birmingham, Al 35203  
205.322.6395



**Pearce, Jennifer**

---

**From:** Warren, Lee <DLW@adem.state.al.us>  
**Sent:** Wednesday, December 09, 2015 5:10 PM  
**To:** aracoordinator@gmail.com  
**Cc:** Stearns, Brad; Dean, Glenda; Guzman, Humberto  
**Subject:** Arrowhead Landfill

Mr. Johnston,

**RE:** Perry County Associates LLC  
Arrowhead Landfill - NPDES Permit Number ALG160167  
622 Tayloe Road  
Uniontown, AL 36786  
Perry County (105)

What's the result of the most recent Inspector's report?

The most recent, 11/13/15, NPDES inspection report is in ADEM's e-File under ALG160167. Below is a link to the e-File system:

<http://app.adem.alabama.gov/eFile/>

Why is the landfill continuing to have unpermitted discharges and ADEM not issuing any permit violations?

The drainage area that the Department believes you are referencing has been evaluated and it does not currently appear to have industrial storage/industrial activities occurring; therefore, the outfall would not require NPDES permitting. Prior to an inspection of this area, Department personnel contacted you to determine the location of your complaint. If you believe the Department has not observed the area of your concern, please provide a map with the indicated area or the actual latitudinal / longitudinal coordinates for the Department's review.

Is ADEM giving all callers who are complaining of this landfill a complaint number?

Typically, each identified complainant is assigned a complaint number. Every online complaint receives a unique complaint number. However, if multiple complaints are received via telephone or via mail with the same pertinent information, they may be grouped under one complaint number for more efficient handling.

Are you able to visit the site yourself?

There have been multiple NPDES Permit inspections (4/17/15 and 11/13/15) conducted this year which are available for public review on the Department's e-File system.

When will the landfill stop violating its permit?

The Water Division is not aware of any NPDES compliance issues which have not been addressed.

Lee Warren  
Chief, Industrial General Permit Section  
Industrial / Municipal Branch  
Water Division  
Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110  
[dlw@adem.state.al.us](mailto:dlw@adem.state.al.us)  
(334) 271-7845



*Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).*

**From:** [aracoordinator@gmail.com](mailto:aracoordinator@gmail.com) [mailto:[aracoordinator@gmail.com](mailto:aracoordinator@gmail.com)] **On Behalf Of** Adam Johnston  
**Sent:** Monday, December 07, 2015 4:13 PM  
**To:** Dean, Glenda; Stearns, Brad  
**Subject:** Continued runoff at Arrowhead

Dear ADEM,

Attached is a recent video from last Friday, December 4th, from the Arrowhead Landfill. There has been many days this landfill has been overflowing. I have a few questions for you:

What's the result of the most recent Inspector's report?

Why is the landfill continuing to have unpermitted discharges and ADEM not issuing any permit violations?

Is ADEM giving all callers who are complaining of this landfill a complaint number?

Are you able to visit the site yourself?

When we will the landfill stop violating its permit?

--

**Adam Johnston**

Alabama Rivers Alliance  
Alliance Coordinator  
[www.alabamarivers.org](http://www.alabamarivers.org)

2014 6th Ave North, Suite 200  
Birmingham, Al 35203  
205.322.6395

**Pearce, Jennifer**

---

**From:** Guzman, Humberto  
**Sent:** Tuesday, December 01, 2015 10:55 AM  
**To:** Warren, Lee  
**Cc:** Jones, Laurie; Roberts, Evan L; Olone, Dan  
**Subject:** RE: Perry County Associates LLC - Arrowhead Landfill ALG160167

Evan and Lee,

How are you today? Thank you very much for inspecting the landfill. We appreciate your assistance.

Humberto

**From:** Warren, Lee [mailto:DLW@adem.state.al.us]  
**Sent:** Tuesday, December 01, 2015 9:57 AM  
**To:** Guzman, Humberto <Guzman.Humberto@epa.gov>  
**Cc:** Jones, Laurie <JONES.LAURIE@EPA.GOV>  
**Subject:** Perry County Associates LLC - Arrowhead Landfill ALG160167

Humberto,

Attached is a copy of the 11/13/15 inspection report/photos.

Thanks,

Lee

Lee Warren  
Chief, Industrial General Permit Section  
Industrial / Municipal Branch  
Water Division  
Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110  
[dlw@adem.state.al.us](mailto:dlw@adem.state.al.us)  
(334) 271-7845



*Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).*





**Pearce, Jennifer**

---

**From:** Warren, Lee <DLW@adem.state.al.us>  
**Sent:** Tuesday, December 01, 2015 9:57 AM  
**To:** Guzman, Humberto  
**Cc:** Jones, Laurie  
**Subject:** Perry County Associates LLC - Arrowhead Landfill ALG160167  
**Attachments:** 17668\_ALG160167\_105\_11-13-2015\_INSPR\_LDG\_NA.PDF; 17668\_ALG160167\_105\_11-13-2015\_INSPR\_LDG\_PHOTOS.PDF

Humberto,

Attached is a copy of the 11/13/15 inspection report/photos.

Thanks,

Lee

Lee Warren  
Chief, Industrial General Permit Section  
Industrial / Municipal Branch  
Water Division  
Alabama Department of Environmental Management  
1400 Coliseum Boulevard  
Montgomery, AL 36110  
[dlw@adem.state.al.us](mailto:dlw@adem.state.al.us)  
(334) 271-7845



*Did you know you can submit your DMRs online using our newly enhanced E2 DMR Reporting System? To sign up and learn more, please visit the Department's E2 Reporting System webpage [here](#).*



**LANCE R. LEFLEUR**  
DIRECTOR



**ROBERT J. BENTLEY**  
GOVERNOR

Alabama Department of Environmental Management  
adem.alabama.gov  
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7700 ■ FAX (334) 271-7950

November 16, 2015

Ernest Kaufmann  
Perry County Associates, LLC  
134 Riverstone Terrace, Suite 203  
Canton GA 30114

RE: Facility Inspection  
Arrowhead Landfill  
NPDES Permit # ALG160167  
FID 35125.10  
Perry County (105)  
Inspected 11/13/2015

Dear Mr. Kaufmann:

Enclosed is a copy of an inspection report for the above referenced facility. A copy of the inspection report has been transmitted to the Department's Water Division for a compliance determination and any follow-up as appropriate.

Should you have any questions regarding permitting, compliance, enforcement, or any follow-up action you should take to address any deficiencies noted, please contact your ADEM permit staff contact or the Water Division in Montgomery at [H2Omail@adem.state.al.us](mailto:H2Omail@adem.state.al.us) or by phone at (334) 271-7799.

Should you have any questions regarding observations noted during the inspection, please contact me by email at [elroberts@adem.state.al.us](mailto:elroberts@adem.state.al.us) or by phone at (205) 942-6168.

Sincerely,

A handwritten signature in black ink, appearing to read "Evan Roberts", is written over a horizontal line.

Evan Roberts  
Birmingham Branch  
Field Operations Division

File: INSPR/17668  
ecopy: Water Division  
Enclosure: Inspection Report

**Birmingham Branch**  
110 Vulcan Road  
Birmingham, AL 35209-4702  
(205) 942-6168  
(205) 941-1603 (FAX)

**Decatur Branch**  
2715 Sandlin Road, S. W.  
Decatur, AL 35603-1333  
(256) 353-1713  
(256) 340-9359 (FAX)



**Mobile Branch**  
2204 Perimeter Road  
Mobile, AL 36615-1131  
(251) 450-3400  
(251) 479-2593 (FAX)

**Mobile-Coastal**  
4171 Commanders Drive  
Mobile, AL 36615-1421  
(251) 432-6533  
(251) 432-6598 (FAX)



Alabama Department of Environmental Management  
NPDES INSPECTION REPORT



Company/Operator/Permittee: Perry County Associates, LLC		FID 35125.10		Phone Number: (770)720-2717	
Mailing Address: 134 Riverstone Terrace, Suite 203		City Canton		State GA	Zip Code 30114
Responsible Official/Operator Name: Ernest Kaufmann					

Facility Name: Arrowhead Landfill	NPDES Permit #: ALG160167	Permit Effect Date: 02/01/2012	Inspection Entry Date & Time: 11/13/2015 12:49 PM	County: Perry
Activity Description Solid Waste Landfill	NMS Inspection #: 51277	Permit Expire Date: 01/31/2017	Inspection Exit Date & Time: 11/13/2015 2:57 PM	Report Complete Date: 11/16/2015
Inspection Type: (X) CEI ( ) CSI ( ) PAI    Routine ( )    Complaint (X)    Photos Taken (X)    Samples Collected ( )				

Township, Range, Section: T17N, R6E, S23
Physical Address/Location Description (include nearest city): County Road 1, near Perry, AL

Entrance Latitude & Longitude: 32.413512, -87.473396
Discharge Point(s) Latitude & Longitude: 32.41486, -87.465887, 32.41481, -87.47281; 32.41019, -87.46792
Receiving Water(s): UT Tayloe Creek, UT Chilatchee Creek
Weather Conditions: Partly cloudy and cool

Summary: Inspection was conducted in response to a complaint of a whitish discharge on the south side of the facility. Stormwater was observed leaving landfill property near southeast corner of facility, at latitude 32.41019, longitude -87.46792, downgradient from non-landfill areas. This area had a slight discharge. See sample results on page 3. Areas not in use had been grassed since the 4/17/2015 inspection. Grass was patchy in area near southeast side of facility. Facility outfalls were not discharging. According to facility records, pH was analyzed out of holding time for samples collected on 6/29/2015.
---

Name(s) of On-site Representative(s) and Phone Numbers: John Sikes, (334)247-2126		
Name of Inspector: Evan Roberts	Signature of Inspector: 	Date: 11/16/2015
Name of Reviewing Supervisor: Derick Houston	Signature of Reviewing Supervisor: 	Date: 11/16/2015

FOD Office: Birmingham
------------------------

# NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

FACILITY NAME: Arrowhead Landfill

PERMIT NUMBER: ALG160167

## I. RECORDS

A. Copy of Permit Available	N/A	X YES	NO	Comment #
B. Discharge Monitoring Reports (DMRs) Available	N/A	X YES	NO	Comment #
DMRs Retained for 3 Years	N/A	X YES	NO	Comment #
C. Laboratory Records Available	N/A	X YES	NO	Comment #
Laboratory Records Retained for 3 Years	N/A	X YES	NO	Comment #
D. Commercial Lab Used for Reported Analyses	N/A	X YES	NO	Comment #
Name: Analytical Services, Inc.	Location: Norcross, GA			
E. Adequate Records Maintained of:				
1. Sample Date, Time and Location	N/A	X YES	NO	Comment #
2. Analyses Date and Time	N/A	X YES	NO	Comment #
3. Analytical Methods	N/A	X YES	NO	Comment #
4. Standard Methods/EPA Approved Analytical Method	N/A	X YES	NO	Comment #
5. Analyst	N/A	X YES	NO	Comment #
6. Lab Equipment Calibration and Maintenance	N/A	X YES	NO	Comment #
7. Rainfall Data	N/A	X YES	NO	Comment #
F. Correct Name and Mailing Address of Permittee	N/A	X YES	NO	Comment #

## II. POLLUTION PREVENTION PRACTICES/PLANS

A. Best Management Practices (BMP) Plan Available	N/A	X YES	NO	Comment #
Last Update to BMP Plan: January 2015				
B. BMP Measures Appear Adequate, If no provide	N/A	X YES	NO	Comment #
C. BMP Training Records Available	N/A	X YES	NO	Comment #
D. BMP Inspection Records Available	N/A	X YES	NO	Comment #
Inspection Records Retained for 3 Years	N/A	X YES	NO	Comment #
E. Spill Prevention Control and Countermeasures (SPCC) Plan Available	N/A	X YES	NO	Comment # 1
Last Update to SPCC: January 2015				
List Tanks and Capacities in Comment Section				
F. Pollution Prevention (P2)/Source Reduction Plan and/or P2 Practices	N/A	X YES	NO	Comment #
G. All Discharges Appear to be properly Permitted	N/A	X YES	NO	Comment #
H. Adequate Containment for Products/Byproducts and Waste Materials	N/A	X YES	NO	Comment #

## III. MONITORING INFORMATION

A. Flow Measurement				
Method of measurement on Non-Stormwater Outfalls: Instantaneous Weir Other				
B. Sampling				
1. Location(s) Adequate	N/A	X YES	NO	Comment #
2. Sample Type(s) Agree with Permit	N/A	X YES	NO	Comment #
3. Preservation Techniques Agree with 40 CFR 136	N/A	X YES	NO	Comment #
4. Sample Holding Times Agree with EPA Guidance	N/A	YES	X NO	Comment # 2
5. Monitoring and Analyses Performed More Frequently Than Required	N/A	YES	X NO	Comment #
6. If Yes to 5, Results are Reported in Permittee's Self Monitoring Report	X N/A	YES	NO	Comment #
7. Stormwater Samples Collected in Accordance with Permit Requirements	N/A	X YES	NO	Comment #

N/A – Not Applicable

## NPDES INDUSTRIAL STORMWATER INSPECTION REPORT

IV. EFFLUENT/RECEIVING WATER VISUAL OBSERVATIONS			
Outfall(s) have Oil Sheen	YES	X NO	Comment #
Outfall(s) have Visible Foam	YES	X NO	Comment #
Outfall(s) have Visible Floating Solids	YES	X NO	Comment #

V. COMMENTS		
Comment No.	Comment	Photograph No.
1	No fuel or chemical storage. Leachate tank was within secondary containment.	
2	pH was analyzed out of holding time for samples collected on 6/29/2015.	

- **VI. SAMPLE RESULTS**
- Outfalls were not discharging.
- Stormwater discharge alongside County Road 21:
- pH = 7.50 s.u
- Dissolved oxygen = 5.18 mg/L
- Turbidity = 9.64 NTUs.

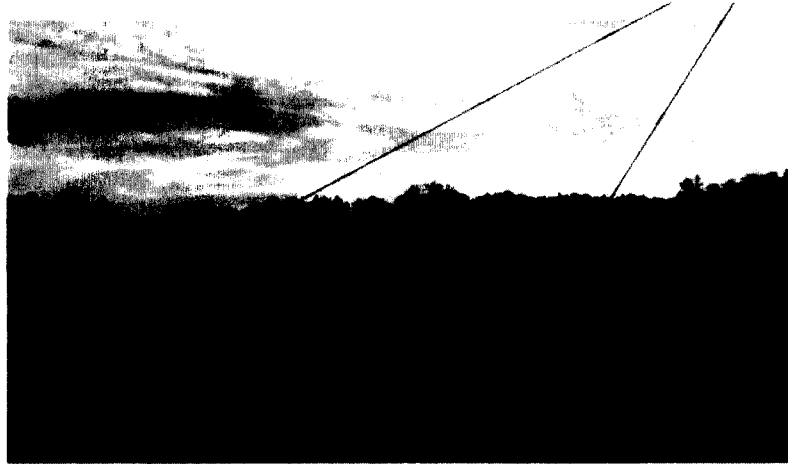
**Perry County Associates, LLC  
Arrowhead Landfill  
ALG160167**

**Perry County  
Evan Roberts  
November 13, 2016**

Area had been grassed since previous inspection. Grass was patchy.



To right of previous. Area had been grassed since previous inspection. Grass was patchy.



3

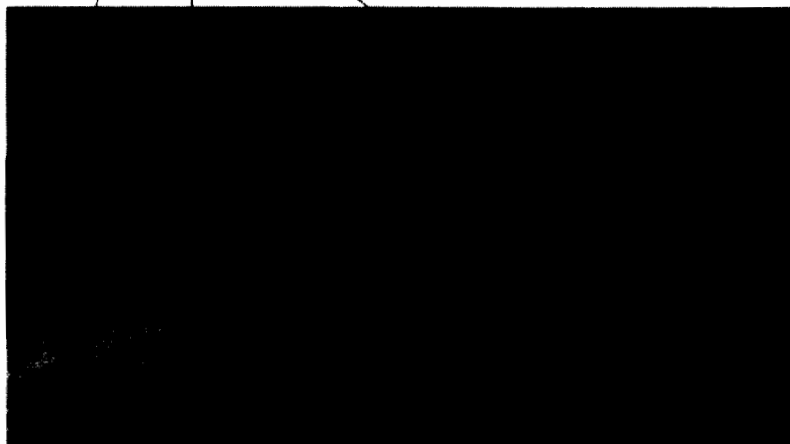
Drainage ditch downgradient of previous photo.



4



Landfill area. Road. Drainage ditch for non-landfill areas.



5

Drainage ditch downgradient of non-landfill areas.



6

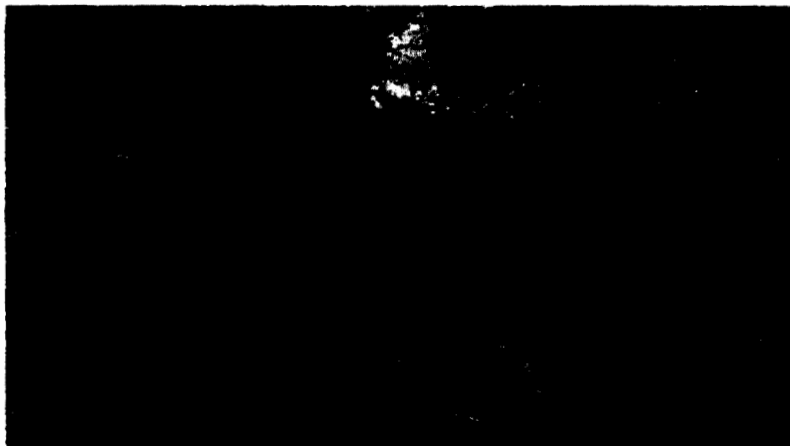
Pool of water. Check dam.



Edge of pool.



Minimal discharge from pool to roadside ditch.



9

Light-colored sediment staining on leaves around roadside ditch.



10

Pond for outfall 001-2.



11

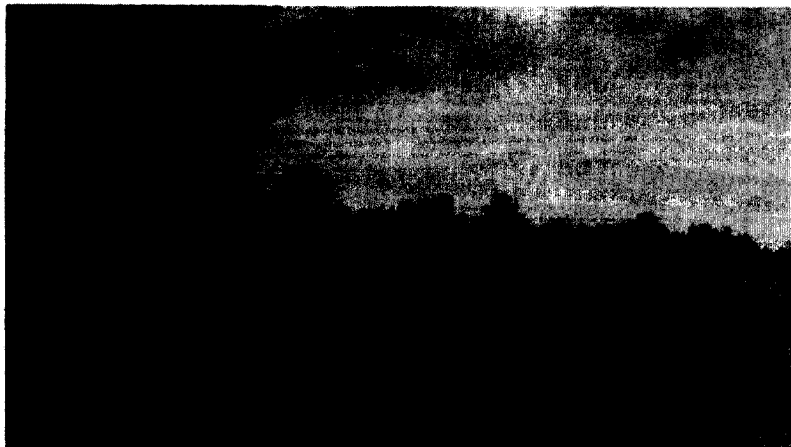
Outfall 001-2 was not discharging.



No flow.

12

Area near outfall 001-2 had been grassed since previous inspection.



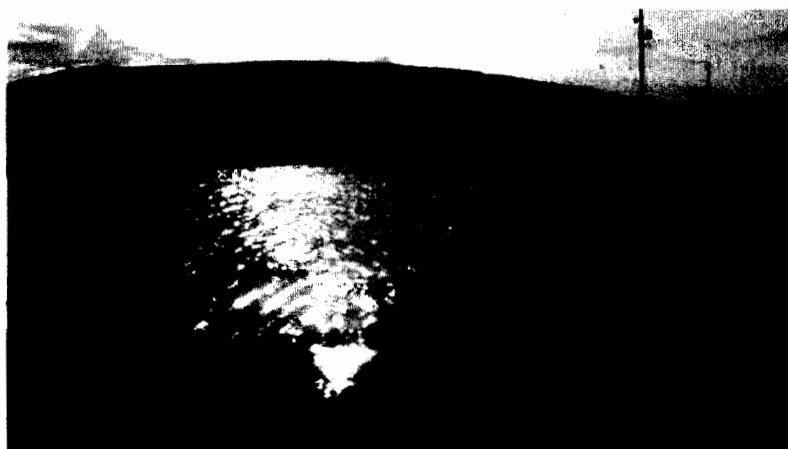
13

To right of previous.



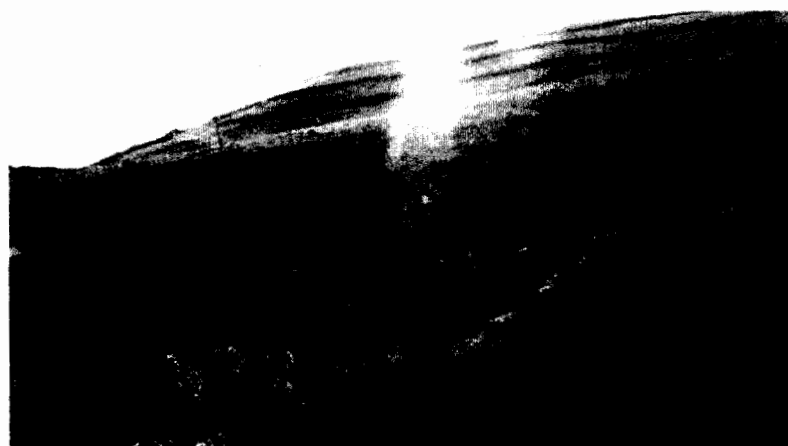
14

Pond for outfall 001-1.



15

Outfall 001-1 was not discharging.



16

Leachate tank.



17

Inside of secondary containment structure.



18

